

Welcome to tonight's City Council meeting!

The elected officials of the City of Bonners Ferry are appreciative of an involved constituency. Testimony from the public is encouraged concerning issues when addressed under the Public Hearing portion of the agenda. Any individual who wishes may address the council on any issue, whether on the agenda or not, during the Public Comments period. Normal business will preclude public participation during the business portion of the meeting with the discretion left to the Mayor and Council. Special accommodations to see, hear, or participate in the public meeting should be made at City Hall within two days of the public meeting.

Vision Statement

Bonners Ferry, "The Friendliest City", strives to achieve balanced growth, builds on community strengths, respects natural resources, promotes excellence in Government, and values quality of life. We are a city that welcomes all people.

AGENDA
CITY COUNCIL MEETING
Bonners Ferry City Hall
7232 Main Street
267-3105
October 5, 2021
6:00 pm

Join video Zoom meeting: <https://zoom.us/j/17672764>

Meeting ID: 176727634

Join by phone: 253-215-8782

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Each speaker will be allowed a maximum of three minutes, unless repeat testimony is requested by the Mayor/Council.

REPORTS

Police/Fire/City Administrator/City Engineer/Economic Development Coordinator/Urban Renewal District/SPOT/Golf

CONSENT AGENDA – {action item}

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the September 21, 2021 Council meeting minutes

OLD BUSINESS

4. **Planning** – Consider authorizing the Mayor to sign the contract with Ruen-Yeager & Associates for planning services (attachment) {action item}

NEW BUSINESS

5. **Planning** – Consider accepting the recommendation from Planning and Zoning regarding File # AM015-21 Amendments to Title 11, Zoning Regulations (attachment) {action item}
6. **Planning** – Have the first reading by title only of Ordinance #600 Amendments to Title 11, Zoning Regulations (attachment) {action item}
7. **Water** – Consider authorizing the Mayor to sign Change Order #3 for the Highway 95 Water Relocation Project (attachment) {action item}
8. **Electric** – Consider authorizing the Mayor to sign the agreement with the Federal Highway Administration for the Riverside Relocation Project {action item}
9. **City** – Consider the modifications to the Personnel Policy (attachment) {action item}
10. **City** – Discuss the Christmas Party {action item}

ADJOURNMENT

**MINUTES
CITY COUNCIL MEETING
Bonners Ferry City Hall
7232 Main Street
267-3105
September 21, 2021
6:00 pm**

Mayor Dick Staples called the Council meeting of September 21, 2021, to order at 6:00 pm. Present for the meeting were: Council Members Adam Arthur, Rick Alonzo and Ron Smith. Also, present were: City Engineer Mike Klaus, City Attorney Andrakay Pluid, City Clerk/Treasurer Christine McNair and Police Chief Brian Zimmerman. Members of the public present were: Jerry Higgs, Dave Gray, Robert Lavala, David Clark, Faye Almond and Rose Shababy.

Join video Zoom meeting: <https://zoom.us/j/17672764>

Meeting ID: 176727634

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PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Robert Lavala spoke regarding the previous Council meeting.

Dave Gray spoke regarding the Boundary County Museum and presented Council members with a 2022 calendar.

David Clark spoke regarding the flower baskets.

REPORTS

No reports were given

CONSENT AGENDA – {action item}

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the September 7, 2021 Council meeting minutes
4. Hydro – Consider authorizing the Mayor to sign the contract with Loe Tech for fiber connection services (attachment)
5. Street – Consider authorizing the Mayor to sign Pay Request #1 for Wink Inc. for the Garden Lane Project (attachment)

Mayor Staples requested a letter of gratitude be sent to Wink Inc. for the work they have performed.

Rick Alonzo moved to approve the consent agenda. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Rick Alonzo – yes, Ron Smith – yes

OLD BUSINESS

6. **Planning** – Consider authorizing the Mayor to sign the contract with Reun-Yeager & Associates for planning services (attachment) {action item}

Mayor Staples tabled this item to the next meeting.

NEW BUSINESS

7. **Water** – Consider authorizing the Mayor to sign Change Order #1 and Change Order #2 for the Highway 95 Water Relocation Project (attachment) {action item}

Mike said Change Order #1 is an extension of time due to an inability to get parts. Change Order #2 is an extension of the water main. Adam Arthur moved to authorize the Mayor to sign Change Order #1 and Change Order #2, in the amount of \$4,908.00, for the Highway Water Relocation Project. Ron Smith seconded the motion. The motion passed. Adam Arthur – yes, Rick Alonzo – yes, Ron Smith – yes

8. **Electric** – Consider authorizing the Mayor to sign the letter to Bonneville Power Administration for the Tier 2 Short Term Rate (attachment) {action item}

Mike gave a brief explanation of the Tier 2 Short Term Rate. Ron Smith moved to authorize the Mayor to sign the letter to Bonneville Power Administration for the Tier 2 Short Term Rate. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Rick Alonzo – yes, Ron Smith – yes

9. **Fire** – Consider authorizing the Mayor to sign the contract with the Kootenai Tribe of Idaho for fire protection services for fiscal year 2022 (attachment) {action item}

Christine asked Andrakay if she knew of a list or a map or list of the properties covered with this contract. Andrakay said does not. Mayor Staples asked if it is necessary. Adam said since it's just for property in the City limits, he doesn't feel it is necessary. Adam Arthur moved to authorize the Mayor to sign the contract with the Kootenai Tribe of Idaho for fire protection services for fiscal year 2022. Rick Alonzo seconded the motion. The motion passed. Adam Arthur – yes, Rick Alonzo – yes, Ron Smith – yes

10. **City** – Consider the quote for flower baskets for fiscal year 2022 from Priest Gardens (attachment) {action item} Christine said Priest Gardens was the only company to provide a quote for next year's flower baskets. The cost will be \$65.00 per basket, but Priest Gardens does not deliver. Rick Alonzo moved to accept the quote for flower baskets from Priest Gardens for fiscal year 2022, in the amount of \$65.00 per basket. Adam Arthur seconded the motion. The motion passed. Adam Arthur – yes, Rick Alonzo – yes, Ron Smith – yes

ADJOURNMENT

The meeting adjourned at 6:21 pm.



RUEN-YEAGER & ASSOCIATES, INC.
ENGINEERS * PLANNERS * SURVEYORS

May 17, 2021

Lisa Ailport
City Administrator
City of Bonners Ferry
P.O. Box 149
Bonners Ferry, Idaho 83805

Re: Contract Land Use Planner Rate Increase
Project No.: S133016

Dear Mrs. Ailport:

Ruen-Yeager & Associates, Inc. (RYA) would like to provide advance notice to you during your 2022 fiscal budgeting process that RYA is requesting a rate adjustment for its planning services.

RYA is proud of the quality planning services we have been providing to you and appreciate the cooperative relationship we have with you. The company successfully bridged the 2020 COVID-19 shutdown without any work stoppage because we invested in a cloud file service that allowed us to work from home or office and continue to process permits and address your needs.

RYA has been providing municipal contract land use planner services, which include experienced planners, clerical support, mapping and processing programs, electronic file storage, and office equipment. Since 2012, the services have been charged at a below market rate of:

Senior Planner \$65.00/hour
Assistant Planner \$50.00/hour
Permit Technician \$40.00/hour

RYA has maintained this consistent rate among all of our municipal clients in order to provide a uniform service to all of our communities.

Please accept this letter as notification of a rate adjustment to our contract planning services, effective October 1, 2021.

Senior Planner \$85.00/hour
Assistant Planner \$60.00/hour
Permit Technician \$45.00/hour
Clerical (requested scanning and copying): \$35.00/hour plus cost of paper copies

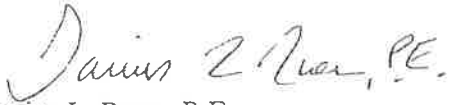
The adjustment is a result of increasing costs in providing quality responsive contract planning services.

Ruen-Yeager has added staff to meet the demands of our municipal clients and a growing Land Use Planning Department. We are confident in the value of our services and appreciate your understanding that this rate increase means we can continue to provide you with quality responsive services for the coming year.

Contract Land Use Planner Rate Increase
Project No. S133016
May 17, 2021
Page 2

We value you as a client and want to continue serving you. If you have any questions or concerns about this increase, please don't hesitate to call.

Sincerely,
RUEN-YEAGER & ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Darius L. Ruen, P.E.".

Darius L. Ruen, P.E.
Principal



RUEN-YEAGER & ASSOCIATES, INC.
ENGINEERS ♦ PLANNERS ♦ SURVEYORS

SUPPLEMENTAL AGREEMENT BETWEEN CLIENT AND CONSULTANT

PROJECT NAME: City of Bonners Ferry Planning Services

PROJECT NO: S133016 SUPPLEMENTAL NO: 1

DATE: September 2, 2021 PROJECT MANAGER: CMM

CLIENT: City of Bonners Ferry
P.O. Box 149, Bonners Ferry, Idaho 83805

CONTACT: Lisa Ailport, City Administrator PHONE: _____

DESCRIPTION OF CHANGES:

Rate change effective October 1, 2021, in accordance with attached Contract Land Use Planner Rate Increase letter dated, May 17, 2021.

Time & Materials

Lump Sum

THIS DOCUMENT WILL BECOME A SUPPLEMENT TO THE CONTRACT AND ALL PROVISIONS WILL APPLY HERETO.

CLIENT

DATE

RUEN-YEAGER & ASSOCIATES, INC.

DATE



**Bonnors Ferry
City Council
Housing & Development
Standards Proposed
Ordinance**

October 5, 2021

Summary of proposed code amendment



Setbacks & Yards

New eave allowances
Narrow lot consideration
Side yard options



RV Park standards

Special Use Permit for
Commercial zone
Stall area defined
Tiny home/park model



Accessory Dwelling Units

New housing option
Density & sizes set
Defined



Definitions

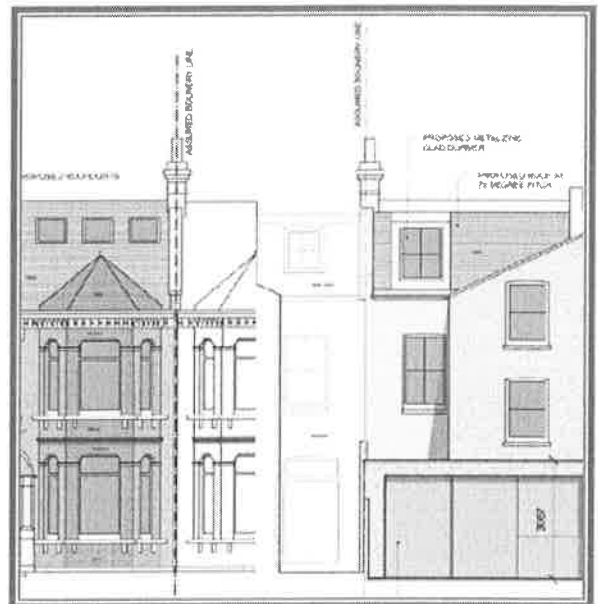
Fix troublesome yard
definitions
Define fences & redefine
structure

Agency and public comment

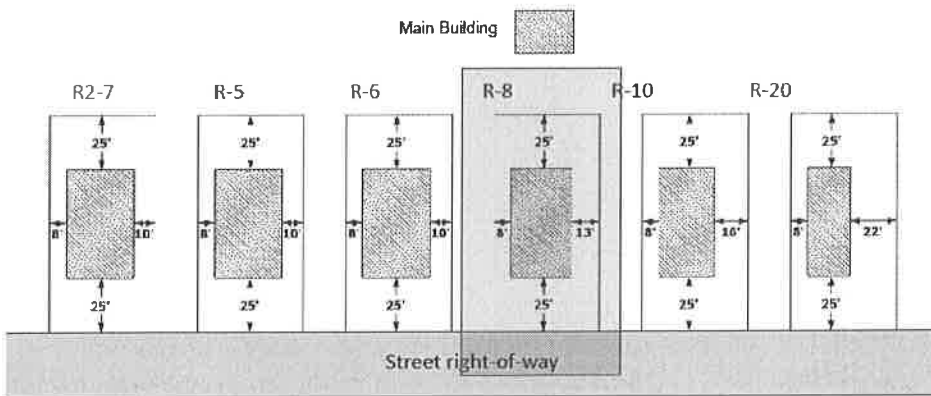
- Published in newspaper of record August 19, 2021, for P&Z hearing
- Sent to media, taxing districts, airport manager
- No agency comments
- No written public comments to date
 - P&Z had input on the proposals from City Council, citizens who attended workshops
 - Staff fielded comments regarding current setback constraints, desire to additional housing options

SETBACK STANDARDS

- Amending 11-2-4, Table on setbacks
- **NEW:** Creating new “combined” setback of 20’ for side yards (20’ total for sides with neither side less than 8’)
- **NEW:** Allowing narrow lot “relief” from side yards to 5’, inclusive of architectural projections
- **NEW:** Requiring party/shared wall standards
- **NEW:** Allowing an administrative, hardship exception of up to 1’



Residential Interior Lot Setbacks



Setbacks for Single Family Dwellings

Zone	Aggregate Side Yard	Minimum on one side	Difference on Opposite Side
R2-7	18 ft	8 ft	10 ft
R-5	18 ft	8 ft	10 ft
R-6	18 ft	8 ft	10 ft
R-8	21 ft	8 ft	13 ft
R-10	24 ft	8 ft	16 ft
R-20	30 ft	8 ft	22 ft

-For front yard setbacks and setbacks from streets see Section 3.2.6.A.1(e)

-For side and rear yard setbacks see Section 3.2.6.A.2(d)

Arlington County Zoning Division, July 2013

COMBINED
SIDE YARD
INTERIOR
SETBACK
SCENARIO

GENERAL SETBACK STANDARDS

- Section 11-9-1:
- **NEW:** Exception granted for cornices, eaves, gutters, etc. to extend into required setback for up to 2'
- **REVISED:** Paragraph "C," which currently gives confusing requirement about converting single-family dwelling & minimum 1,000 square feet. Changed to clarify this is conversion to multi-family and dwelling unit size now matches ADU minimum of 400 square feet.





RV standards 11-11-6 & use table

- **REVISED:** Changing wording of “lot” size to read as “stall” of minimum 1,000 square feet. Substituting “stall” for “lot” throughout
- **NEW:** Prohibiting tiny homes and park models on foundations in RV parks.
- **NEW:** Requiring special use permit for RV parks in commercial zone to allow adequate review of uses, services, and mitigations.



NEW ADU OPTION

- Allow additional, affordable housing option
- Respond to 2018 Fair Housing Assessment
- Defined as smaller, secondary dwelling on same lot or parcel as primary dwelling that can be independently habitable
- Limited to one ADU per lot/parcel





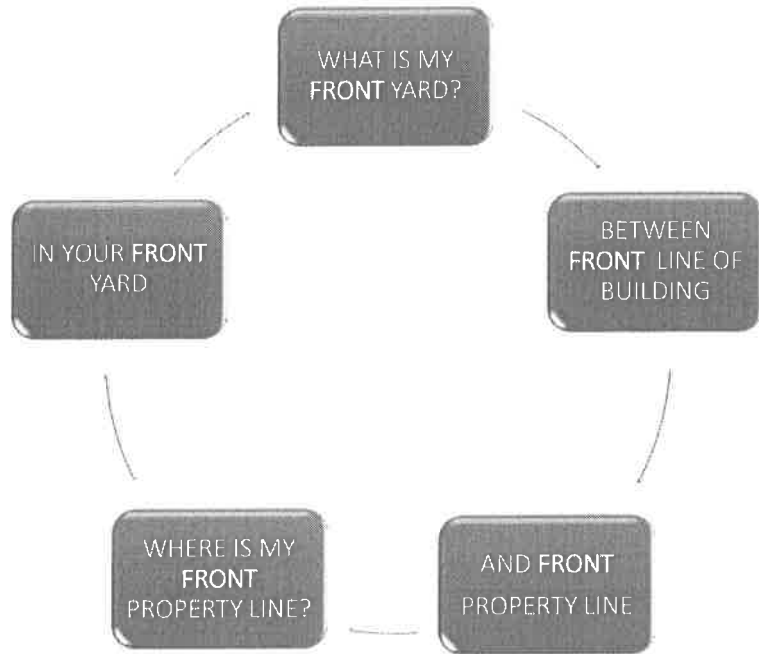
Accessory Dwelling Unit Defined

- ACCESSORY DWELLING UNIT: A smaller, secondary dwelling on the same lot or parcel as the primary dwelling that is independently habitable and provides the basic requirements of a residential shelter, including heating, cooking, and sanitation.

ADU STANDARDS

- All zones except Industrial
- Encouraged to match primary residence
- Attached or detached & new construction or conversion
- Site minimum 5,000 square feet (minimum building area in Bonners Ferry)
- Size maximum 50% of primary unit square footage or 800 square feet
- Size minimum 400 square feet for detached; smaller for attached but must meet minimum residential code sizing (IRC: at least one habitable room of 120 square feet gross floor area; other rooms except kitchen not less than 70 square feet R304.1)
- Maximum 2 bedrooms
- One added parking space
- Building permit & service connection approvals

YARDS & CIRCULAR REASONING



DEFINITIONS



YARDS

Improve definitions for “yards” so setback standards can be clearly applied

Front is based on abutting street providing primary access; intersecting streets have one front and one corner lot yard; lots with parallel streets have 2 front yards

Rear opposite the front; triangle-shaped measured from apex of triangle

Side is generally perpendicular to front and rear

FENCES & STRUCTURES

- FENCE: An enclosure or barrier, such as wooden posts and rails, masonry, stone, wire, iron, or other such common fencing materials used as a boundary or enclosure for privacy, protection, or confinement, but not including hedges, shrubs, trees, or other vegetation. Materials such as scrap or junk materials such as tires, vehicle parts, broken glass or similar materials, shall not be used for fence construction.
- STRUCTURE: Removed fences and walls from definition so not bound to setback standards

STANDARDS FOR CONSIDERATION

- ADOPTION OF THE PROPOSED AMENDMENT REQUIRES THE DECISION MAKERS FIND THAT THE ORDINANCE IS IN ACCORD WITH THE ADOPTED COMPREHENSIVE PLAN
- PAGE 3 & 4 OF STAFF REPORT CONTAIN SUMMARIES OF COMP PLAN GOALS AND POLICIES AND HOW THEY MIGHT RELATE TO PROPOSED AMENDMENT
- REASONED STATEMENT IS A CONCLUSION THAT THE PROPOSAL EITHER IS OR IS NOT CONSISTENT WITH COMP PLAN AND WHY, BASED ON FINDINGS

Draft motions

- **Motion to Approve:** I move to approve this file #AM015-21, amending Bonners Ferry City Code, Title 11, regarding Housing and Development Standards, as written (or non-material changes, as amended) finding that it is in accord with the general and specific goals and standards of the City of Bonners Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing.
- **Motion to Continue:** I move to table this file to (date, time and place) in order to (state reason, such as to allow additional public testimony, provide revisions, etc.)
- **Motion to Deny:** I move to deny this file #AM015-21, amending Bonners Ferry City Code, Title 11, regarding Housing and Development Standards, finding that it is not in accord with the general and specific goals and standards of the City of Bonners Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing.

AMENDMENT TO TITLE 11, BONNERS FERRY CITY CODE
ZONING REGULATIONS

SHORT TITLE: HOUSING AND DEVELOPMENT STANDARDS

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING BONNERS FERRY CITY CODE, TITLE 11 (ZONING REGULATIONS), CHAPTERS 2, 9, 11, 12, APPENDIX A, AND APPENDIX B TO: ADD AN OPTION AND STANDARDS FOR ACCESSORY DWELLING UNITS (ADUS); ADJUST SETBACK STANDARDS FOR EAVES AND CERTAIN ABOVE-GROUND ARCHITECTURAL PROJECTIONS; ESTABLISH COMBINED SIDE YARD SETBACK STANDARDS, REDUCED SETBACKS FOR NARROW LOTS, A 1-FOOT ADMINISTRATIVE SETBACK EXCEPTION, AND COMMON PARTY WALL AGREEMENTS FOR SHARED WALL CONSTRUCTION; REQUIRE SPECIAL USE PERMITS FOR RV PARKS IN THE COMMERCIAL ZONE; ADJUST RV PARK STALL STANDARDS; PROVIDE FENCE, STRUCTURE, AND YARD DEFINITIONS; TO PROVIDE SEVERABILITY AND PROVIDE THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

STATEMENTS OF PURPOSE AND AUTHORITY:

WHEREAS, the Constitution of the State of Idaho, Article XII, Section 2, the Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Title 50, Chapters 3 and 9 provide authority for the City of Bonners Ferry to adopt ordinances establishing land use standards; and,

WHEREAS, Idaho Code §67-6518 authorizes the City to adopt standards for building design, yards, blocks, lots, and other public and private developments; and

WHEREAS, the City of Bonners Ferry desires to revise development standards, provide options for housing, and clarify its yard and setback definitions; and

WHEREAS, the Planning and Zoning Commission on September 16, 2021, held a duly noticed public hearing in accordance with the Local Land Use Planning Act, Title 67, Chapter 65, Idaho Code and recommended to the City Council approval of the Housing and Development Standards ordinance, File #AM15-21; and

WHEREAS, the Bonners Ferry City Council had the first reading by title only October 5, 2021.

NOW THEREFORE, be it ordained by the Mayor and the Council of the City of Bonners Ferry, Idaho, as follows:

SECTION 1: ADOPTION: That Bonners Ferry City Code, Title 11, Zoning Regulations, is hereby amended as follows: (Text to be removed is shown with a ~~strickethrough~~; new language is shown with an underline.)

PART A:

Title 11, Chapter 2, Section 4, Schedule of Building Height and Lot Area Regulations, Section 11-2-4, is hereby amended to provide additional notes and conditions text and new notes m, n, o, and to amend this section to read as follows:

11-2-4: SCHEDULE OF BUILDING HEIGHT AND LOT AREA REGULATIONS:

Zoning District	Maximum Height ^{c,i,j}	Front Yard Setbacks	Rear Yard Setbacks ^f	Interior/ Side Yard Setbacks ^f	Corner Lot Yard Setbacks	Minimum Lot Area ^f	Minimum Lot Width ^{f,h}
AA	35 ft.	20 ft. ^{a,d,e,f,g}	10 ft.	10 ft. <u>Combined</u> 20 ft. ^{n, o}	20 ft. ^{a,d,e,f,g}	5,000 sq. ft.	50 ft.
A	35 ft.	20 ft. ^{a,d,e,f,g}	10 ft.	10 ft. <u>Combined</u> 20 ft. ^{n, o}	20 ft. ^{a,d,e,f,g}	5,000 sq. ft.	50 ft.
B	35 ft.	20 ft. ^{a,d,e,f,g}	10 ft.	10 ft. <u>Combined</u> 20 ft. ^{n, o}	20 ft. ^{a,d,e,f,g}	5,000 sq. ft.	50 ft.
C	35 ft.	See notes a, b, d, e, f, g	See note ^{b, m}	See note ^b	See notes a, b, d, e, f, g	5,000 sq. ft.	50 ft.
M	35 ft.	20 ft. ^{a,d,e,f,g}	10 ft.	10 ft.	20 ft. ^{a,d,e,f,g}	5,000 sq. ft.	50 ft.
I	35 ft.	See notes a, b, d, e, f, g	See note ^{b, m}	See note ^b	See notes a, b, d, e, f, g	5,000 sq. ft.	50 ft.
D	35 ft.	0 ft. ^{b,g,k}	0 ft. ^{b,g,k,m}	0 ft. ^{b,g,k,m}	0 ft. ^{b,g,k}	See note ^l	See note ^l

Notes/conditions:

All measurements are from the closest building line to the property line, except as provided at Section 11-9-1 A. The Administrator may grant an exception not to exceed one foot to any setback or height standard, upon a showing of undue hardship or extraordinary physical conditions of the property or structure.

- a. In addition to the setbacks listed in the official heights and area regulations table, the front and corner lot setbacks must also be a minimum of 20 feet from the edge of street(s) and ingress/egress easements.
- b. As per the adopted Building Code regulations for exterior wall location to property line.
- c. The stricter of the stated maximum height or the currently adopted Building Code.

d. Additional 5 feet per story setback for apartments, condominiums or other residential multi-story structures.

e. Front yard setbacks may be less than 20 feet, provided, that in each block in which 50 percent or more of the lots on the same side of the street have been built upon in conformity with a fairly even and determinable front building line of less than 20 feet from the property line, all buildings thereafter erected, established or rebuilt may be in conformity with said front building line as shown by 50 percent of the buildings erected on any such lots. In determining whether or not a front building line has been determined or established, the fair intent and purpose shall be considered and minor irregularities ignored and where any dispute arises in the determining of any such front building line, a determination shall be made by the City Council.

f. Exception to schedule of building height and lot area regulations: Manufactured or mobile home parks shall meet the yard setbacks in the district in which the manufactured/mobile home park will be or is located. The minimum lot size and width shall be as indicated in the manufactured/mobile home park chapter.

g. Federal highway setback; no building shall be placed or erected within a distance of 60 feet each side of the centerline of the street variously known as U.S. Highway 95, U.S. Highway 2 and South Main Street.

h. The minimum lot width is the distance measured from property line to property line where the front building line of the structure will be placed. The minimum distance on the front property line along the curve on a cul-de-sac is 40 feet.

i. Building height is measured from the highest point accessible to fire personnel.

j. Building heights may exceed these values upon special approval from the City Council after consideration of fire safety.

k. Buildings shall not project into or over a public right-of-way except for awnings, eaves, parapets, or signs where allowed in this title. No awning, eave or parapet shall be closer than 2 feet, measured in horizontal distance, to the curb and shall be at a minimum 8 feet above the adjacent or closest grade that the public utilize for walking, parking or other public uses.

l. The size of the lot or lots shall be adequate to accommodate the use.

m. A recorded common/party wall agreement addressing construction, maintenance, repair, and rights of access is required to be filed with the city for zero setback/shared wall construction.

n. Combined side yard interior setback shall be twenty feet (20'), with neither side less than eight feet (8'), except as otherwise provided.

o. Side yard interior setbacks for lots or parcels fifty feet (50') or narrower shall be a minimum 5 feet, inclusive of all architectural projections. Structure shall be designed and constructed to retain snowshed and stormwater runoff on site.

PART B:

Title 11, Chapter 9, Section 1, Regulations, is hereby amended to read as follows:

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district use and area regulations appearing elsewhere in this act:

A. Each part of a required yard shall be open to the sky, unobstructed by other buildings or structures, except for cornices, gutters, eaves, bay windows, or other similar above-ground architectural projections, which shall not encroach more than two feet (2') into any required yard. The structure or building shall be constructed and maintained to contain stormwater and snow shed on site.

- B. All single-family dwellings converted to ~~multiple~~multi-family dwellings must conform to the following latest edition of the adopted building codes. Building Code.
- C. ~~No~~ Any existing single-family dwelling may be so converted to a multi-family dwelling shall contain at least if it contains less than one thousand (1,000) four hundred (400) square feet of livable floor area per individual household dwelling unit.

PART C:

Title 11, Chapter 11, Recreational Vehicle (RV) Parks, Travel Trailer/Motor Home Parks Or Courts, Section 11-11-3 is hereby amended and a new Section 11-11-6 Paragraph B is added, to read as follows:

11-11-3: SITE DEVELOPMENT:

- A. The park/court shall be adequately lighted from dusk to dawn, with lights that shall not obstruct the visibility of any oncoming traffic.
- B. Each space shall be provided with water, sewage, and electricity.
- C. ~~Each lot~~ RV stall shall contain a minimum of one thousand (1,000) square feet, and shall be at least twenty feet (20') wide. There shall be a minimum of ten feet (10') of space between RVs/motor homes/trailers.
- D. ~~Each lot~~ RV stall shall have one extra parking space and shall be graveled, paved or provided with other means for a dust free surface.
- E. No greater number of RVs, travel trailers or motor homes shall be allowed in any park/court than the number of ~~lots~~ RV stalls permitted, based upon the standards of subsection 11-11-3 C.

11-11-6: RESTRICTIONS:

- A. It shall be unlawful for any RV, motor home or travel trailer to be used as permanent living quarters.
- B. Tiny homes and park model homes, as defined by Idaho Code, that are on foundations are prohibited.

PART D:

There is hereby added to Title 11, Chapter 12, a new Section 6, Accessory Dwelling Units, (ADUs), which shall read as follows:

11-12-6: ACCESSORY DWELLING UNITS (ADUs):

- A. Purpose: To provide an additional, affordable housing option that meets changing family and community needs while keeping the character of the single-family developments by setting minimum and maximum standards.
- B. Eligibility: An accessory dwelling unit (ADU) is permitted in the zoning districts specified in Appendix B, Table of Uses.
- C. Density: One ADU is permitted per parcel or lot. Construction or placement may occur before, during, or after construction of the primary dwelling.

- D. Design: ADUs may be attached to the primary dwelling or detached, new construction or conversion of an existing structure and shall meet the following standards:
1. Location shall be on a lot or parcel of not less than five thousand (5,000) square feet.
 2. Maximum size of fifty percent (50%) of the primary dwelling unit square footage on the lot or parcel or eight hundred (800) square feet of livable floor space, whichever is less. Livable space shall include areas for living, sleeping, eating or cooking, but exclude garages, decks, covered porches, and utility spaces.
 3. A minimum livable floor space of not less than four hundred (400) square feet is required for all detached ADUs. The livable floor space of an ADU attached to the primary dwelling unit may be smaller but shall meet minimum residential building code requirements for the living space.
 4. A maximum of two (2) bedrooms.
 5. Provisions for minimum of one additional on-site parking space.
 6. Approved building permit demonstrating construction or modification complies with applicable building and fire code.
 7. Confirmation from respective agency or department that the existing utilities are adequate to accommodate the future ADU.
 8. Occupancy and use shall be the same standards as those applied to primary dwelling unit.
 9. Compliance with setback, height, and lot coverage of the respective zoning district.
 10. Design consistent with the primary residence, including roof pitch, siding, color, materials, and windows is encouraged.

PART E:

Title 11, Appendix A, Definitions, is hereby amended to provide new definitions for accessory dwelling unit, fence, and corner yard, and to amend the structure, front yard, rear yard, and side yard to read as follows:

APPENDIX A DEFINITIONS

ACCESSORY DWELLING UNIT: A smaller, secondary dwelling on the same lot or parcel as the primary dwelling that is independently habitable and provides the basic requirements of a residential shelter, including heating, cooking, and sanitation.

FENCE: An enclosure or barrier, such as wooden posts and rails, masonry, stone, wire, iron, or other such common fencing materials used as a boundary or enclosure for privacy, protection, or confinement, but not including hedges, shrubs, trees, or other vegetation. Materials such as scrap or junk materials such as tires, vehicle parts, broken glass or similar materials, shall not be used for fence construction.

STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, manufactured homes, walls, fences and billboards, but not including fences or walls used as fences not exceeding seven feet (7') in height, when measured from pre-development elevations.

YARD:

~~Front Yard: Any open unoccupied space on the same lot with a building between the front building line of the building (exclusive of steps) and the front property line. An unoccupied space extending across the full width of a parcel or lot that abuts a street or access easement that is the primary access for the property. Property fronting on parallel streets shall be deemed to have two (2) front yards. Property on intersecting streets shall have one front yard determined by the primary access point and a corner lot yard.~~

~~Rear Yard: An open unoccupied space on the same lot with a building between the rear building line of the structure and the rear line of the lot. An open unoccupied space on the same lot or parcel as the structure that is most opposite the front yard. For triangular lots, the rear yard shall be measured from the apex of the triangle.~~

~~Side Yard: An open unoccupied space on the same lot with the building between the side building line of the structure and the side property line of the same lot. An open unoccupied space on the same lot or parcel as the structure that is generally perpendicular to the front and rear yards. Any yard not defined as front or rear shall be considered a side yard.~~

~~Corner Yard: An unoccupied space on a corner lot that is not the primary access point for the property.~~

PART F:

Title 11, Appendix B, Table of Uses is hereby amended to add Accessory Dwelling Unit to the Residential Uses and to require a special use permit for Recreational Vehicle Park in the commercial district, to read as follows:

	Zoning Districts						
	AA	A	B	C	I	M	D
Residential use:							
Accessory structures	P	P	P	P	P	P	P
<u>Accessory dwelling unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
Animals, domestic livestock			P				
Dwelling, duplex (two-family)		P	P	P		P	P
Dwelling, multi-family				P			P
Dwelling, single-family	P	P	P	P		P	P
Commercial use:							
Recreational vehicle park				<u>PS</u>	S		

SECTION 2: PROVISIONS SEVERABLE: The provisions of this Ordinance are hereby declared to be severable and if any provision of this Ordinance or application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 3: EFFECTIVE DATE: This ordinance shall be effective upon its passage and publication in the manner provided by law.

APPROVED by the Mayor and City Council of the City of Bonners Ferry, Idaho this day of October, 2021.

This ordinance passed [under suspension of rules] and duly enacted as an ordinance of the City of Bonners Ferry, Idaho on this _____ day of October, 2021, upon the following roll call vote:

ROLL CALL:

Council President Alonzo _____

Council Member Arthur _____

Council Member Thompson _____

Council Member Smith _____

CITY OF BONNERS FERRY, IDAHO

BY: _____
Mayor James R. "Dick" Staples

Attest:

Christine McNair, Clerk, City of Bonners Ferry

APPROVAL OF ORDINANCE SUMMARY

Publication of this ordinance by summary in the official newspaper is hereby approved by the Bonners Ferry City Council on this _____ day of October, 2021, upon the following vote:

Council President Alonzo _____

Council Member Arthur _____

Council Member Thompson _____

Council Member Smith _____

CITY OF BONNERS FERRY, IDAHO

BY: _____
Mayor James R. "Dick" Staples

Attest:

Christine McNair, Clerk, City of Bonners Ferry



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

STAFF REPORT FOR PROPOSED AMENDMENT TO TITLE 11: ZONING REGULATIONS HOUSING AND DEVELOPMENT STANDARDS BONNERS FERRY CITY COUNCIL, OCTOBER 5, 2021 AMENDMENT FILE #AM015-21

Prepared by: Clare Marley, AICP
City Contract Planner, Ruen-Yeager & Associates, Inc.

Project Description: File #AM015-21 Amendment to Title 11, Zoning Regulations: The City of Bonners Ferry has initiated an amendment to its land use regulations to: add a housing option and provide standards for accessory dwelling units (ADUs); adjust setback standards to allow eave and similar architectural projections; provide reduced setbacks for lots or parcels 50 feet wide or narrower; allow a 1-foot administrative setback exception; require common party wall agreements for shared wall construction; require special use permits for RV parks in the Commercial zone, where they are permitted outright currently; adjust RV park stall standards; and provide fence, structure, and yard definitions.

Publication Date: August 19, 2021 for Bonners Ferry Planning & Zoning

Other Notifications: Media, taxing districts, school district and airport manager, August 27, 2021

Hearing/Meeting Dates: Planning and Zoning: September 16, 2021
City Council: October 5, 2021

Hearing Packet: Final draft ordinance, legal notice, draft ordinance summary

P/Z Recommendation: Unanimous approval

PROJECT BACKGROUND/SUMMARY

The City of Bonners Ferry initiated an amendment to its Zoning Regulations, Title 11, Bonners Ferry City Code, to address housing opportunities and various setback and development standards. Work on the housing element of the draft ordinance came as a result of a 2018 Fair Housing Assessment completed for Bonners Ferry after the city received the pool improvement

grant. The housing assessment found that certain actions or inactions of the city could be contributing to a failure to “further fair housing.” The city acknowledged its awareness of the need to look at zoning code updates to allow row houses and accessory dwelling units within two years of the report. In November of 2019, the Planning and Zoning Commission reviewed options for improving housing options and agreed to examine the potential for Accessory Dwelling Units or ADUs in various zoning districts. Over the course of nearly one year, the Planning and Zoning Commission reviewed other communities’ ADU standards and experiences, obtained information on potential impacts to city services, and developed draft ADU standards. During this time, discussions about setback standards, constraints on small-lot development, and RV commercial standards also were tackled. All meetings were open to the public and accessible in person or via Zoom video conferencing. The proposed ordinance was presented to the City Council on April 20, 2021, for review and comment prior to the public hearing. City Council suggestions were presented to the Planning and Zoning Commission and incorporated into the draft ordinance. The amendment proposes the following:

- A new opportunity for housing in the community that would allow accessory dwelling units (ADUs) on the same lot or parcel as the primary dwelling and independently habitable, provided they meet certain development standards. These standards state that the ADU:
 - Is permitted in all zones except Industrial;
 - Is limited to one per parcel or lot;
 - May be attached or detached;
 - Must be located on a parcel or lot with at least 5,000 square feet of area;
 - Has a maximum size of 50% of the primary dwelling or 800 square feet, whichever is less;
 - Has a minimum livable floor space of 400 square feet when a detached unit and may be smaller for attached units, provided the ADU meets minimum building codes.
 - Has a maximum two bedrooms;
 - Must provide a minimum one extra parking space on-site;
 - Must meet fire and building codes;
 - Shall obtain utility service approvals;
 - Shall meet setbacks of zoning district;
 - Should be designed to be consistent with primary residence.

- Adjustments to city setback standards are proposed to:
 - Allow combined interior side yards of 20 feet, with neither side less than 8 feet, where current code requires 10 feet on both side yards;
 - Allow a 5-foot minimum side yard setback for lots 50 feet or narrower, inclusive of eaves and other architectural projections;
 - Provide an administrative exception to setbacks and height not exceeding one foot, if there is proof of undue hardship;
 - Require a common or party wall agreement when shared walls between neighboring buildings are proposed for construction;
 - Allow eaves, cornices, or similar roof extensions and above-ground bay windows to extend not more than two feet into any required yards, with requirements to handle stormwater and snow shed on site. (This exception is not permitted for the narrow lots side yards, which would be allowed a 5-foot side yard setback.)

- Changes to the RV park requirements to spell out the required size for stalls and parking spaces, prohibit tiny homes and park models on permanent foundations, and to require a special use permit for RV parks in the Commercial zone, where they are permitted outright currently.

- Updates to the definitions section of zoning codes to:
 - Provide an Accessory Dwelling Unit definition;
 - Define “fence” and confirm it is not a structure that is required to meet all standard setbacks as long as it is 7 feet or shorter;
 - Fix the front, rear, and side yard definitions so that they rely upon property features such as primary access points.
- Amendments to the use tables to include the new ADU allowance and provide that RV parks require a special use permit in the Commercial zone.

PUBLIC COMMENTS

As of the date of this report, no written public comments have been submitted to the record. The Planning and Zoning Commission did not receive any testimony at its public hearing September 16, 2021.

COMPREHENSIVE PLAN ANALYSIS

Adoption or amendment of the zoning code requires confirmation that the ordinance is in accord with the policies set forth in the adopted comprehensive plan (Plan). The comprehensive plan contains a number of policy statements that are related to the housing and development standards of the proposed amendment. Not all policies and goals are directly related to the proposed amendment. Below is a summary of each section of the Plan. The portions that may relate to the proposed ordinance amendment are noted in italics:

Section 1 of the adopted comprehensive plan provides an introduction and addresses the need to adopt regulations that are consistent with community goals and objectives. Planning principles encompass various goals regarding housing, transportation, etc., and include creating opportunities for open space, parks, and greens. *Rules must be consistent with the plan. The City should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries. The community design should help conserve resources and minimize waste.*

Section 2 covers property rights, and policies to recognize private property ownership as a basic right and to administer ordinances *to allow reasonable use of private lands consistent with public health, safety, and general welfare.*

Section 3 deals with population and growth. The goal of this section is to maintain a moderate, stable rate of long-range population growth with orderly and well-planned development.

Section 4 reviews the school facility and transportation needs. Funding and planning for school facility needs and safe bike and pedestrian routes are included in this section’s goals.

Section 5 on economic development recognizes the community’s source of income relies on natural resources and retail trade. Policies consider the promotion of tourism, clean industry, and expansion and growth of existing businesses. Goal 1, Policy 2, encourages the city to *“zone areas that have potential for business development in such a manner that they can be used for commercial and industrial development while maintaining adjoining land use interests.”* This section also sets a goal to define types of activities and uses allowed in the industrial zone.

Section 6 of the comprehensive plan established three land use types: Residential, Commercial, and Industrial. The plan reminds the city to factor into its land use decisions the availability of public services. Buffering between uses that generate noise, odor, dust, light, etc., and incompatible uses are to be provided. Land use decisions must consider the availability of services and should consider the preservation and enhancement of natural resources. Protection and enhancement of general public safety, health, and welfare are factors in guiding land use decisions. *The city should evaluate the community-wide impact of significant development on the need for public facilities and services, circulation, identified city resources, and housing impacts.* Approval of new development should occur only after sufficient planning for rights-of-way, improvements, and access have been evaluated to accommodate increased traffic.

Section 7 addresses natural resources and encourages the protection of natural beauty and environment of the area and the need for buffers and mitigation to protect from noise, odor, or

pollution. Plans for proposed subdivisions and other large sites should include provisions to protect natural drainage systems and incorporate drainage facilities, as necessary. Standards should be developed for buffering between noise- and odor-generating uses and adjacent uses. Proposed development should be evaluated for potential environmental impacts. Conservation of natural amenities should be required.

Section 8 includes potential rail, river, and hillside hazards and emergency services. Land development should not occur in hazardous areas unless adverse impacts can be mitigated.

Section 9 reviews available water, sewer, power, fire, solid waste and health services.

Section 10 is relative to transportation, needs, and policies. This section calls for development of an efficient transportation system. The city should discourage private streets that serve developments, particularly residential areas, except where warranted by site limitations or where the private roads could negatively affect the transportation flow.

Section 11 covers small and larger scale recreational needs, and includes concepts to create small, pocket parks, green space, and encouraging a "community wide park environment," while promoting a "sense of community ownership." Section 11 encourages the inclusion of planning efforts for private and regional recreational resources. Dedication of rights-of-way, easements, or facilities for bike and pedestrian paths are encouraged, as are land dedication for parks.

Section 12, Special Areas or Sites acknowledges the wildlife refuge, Selkirk Loop and natural lands. Goals and policies of this section are noted as similar to the Recreation section.

Section 13, regarding Housing, covers clean, safe housing, access, and services. Residential uses are to be buffered from non-residential uses. *Zoning should be updated to provide responsible, well-planned development.* The developer bears the costs of public service extensions. Developers are encouraged to maximize the variety of attractive settings, such as a variety of housing prices, amenities, and natural settings. *The city should cooperate with and encourage private efforts to provide adequate housing. The city should explore and develop a variety of housing options to ensure future affordable housing, including mixed use zoning, small lot development, and enhancement and rehabilitation of existing housing stock.*

Section 14, Community Design, refers to the Hudson strategic plan, which includes visions for downtown development, pathways, and economic opportunities.

Section 15 is an implementation section on ordinance updates and urges the community to *review and update its standards and policies on an ongoing basis, based on changing conditions and new issues.*

STAFF ANALYSIS

The proposed amendments to the zoning regulations, while combining various topics, address goals and objectives of the comprehensive plan that call on the community to continually review its codes and revise as conditions change. The addition of the accessory dwelling units to the housing options arose from an examination of the city's fair housing assessment and addresses the rising costs for rental units and the need for more affordable housing. Setback standards became a more focused issue over the last several years, as vacant, smaller lots were being developed. Local contractors advised staff of their challenges with 20 total feet of side yard setbacks on the city's historic, 50-foot wide lots. The ordinance draft is a response to community input to ease some of the setbacks by recognizing the challenges of the small lots. The draft proposes a reduction in side yard setbacks for the narrow lots (50-foot wide and narrower) and allows eaves and similar above-ground projections to extend up to two feet into the setbacks on larger lots. Adjustments to the land use codes to cover often-asked questions about fencing and yard definitions are also included to ease development challenges and permit processing. The revision to the Recreational Vehicle park standards allows the city to examine proposed parks for adequate sewer, water, streets, and emergency services, to give proper notice to adjoining landowners, and to apply conditions to buffer and mitigate effects of a development through the special use permit process.

AUTHORITY/PROCEDURES

Idaho Code §67-6511. Zoning Ordinance. Establishes procedures and requirement to be in accord with comprehensive plan. Requires notice and process in accord with Idaho Code §67-6509.

Idaho Code §67-6509 establishes the procedures for adoption and amendment of the plan. At least 15 days prior to the public hearing, the city must give notice of the proposed amendment to the official newspaper of record, media, political subdivisions within the city jurisdiction, school districts, and the manager of the public airport. The Planning and Zoning Commission shall make a recommendation to the City Council on the proposed amendment. The City Council may conduct at least one public hearing, in addition to the Commission hearing, after it receives the recommendation from the Planning and Zoning Commission. If the City Council makes any material change in the recommendation or options contained in the Commission recommendation, further notice and a public hearing must be conducted by the Council.

Idaho Code §67-6512, Special Use Permits, Conditions, and Procedures.

Idaho Code §67-6518. Standards. Cities have authority to adopt standards for public and private development.

Bonnors Ferry City Code Chapter 6, Amendment of the Act. Process, and rights of city to initiate amendment.

PUBLIC NOTICE

Notice of the Planning & Zoning Commission hearing was published in the official newspaper of record on August 19, 2021, (28 days prior to the public hearing). Notice was also mailed to the media and to taxing districts, the school district, and airport manager on August 27, 2021. Legal noticing requirements established by the Idaho Local Land Use Planning Act and Bonnors Ferry City Code have been met.

MOTIONS BY THE GOVERNING BODY:

Motion to Approve: I move to approve this file #AM015-21, amending Bonnors Ferry City Code, Title 11, regarding Housing and Development Standards, as written (or non-material changes, as amended) finding that it is in accord with the general and specifics goals and standards of the City of Bonnors Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing.

Motion to Continue: I move to table this file to (date, time and place) in order to (state reason, such as to allow additional public testimony, provide revisions, etc.)

Motion to Deny: I move to deny this file #AM015-21, amending Bonnors Ferry City Code, Title 11, regarding Housing and Development Standards, finding that it is **not** in accord with the general and specifics goals and standards of the City of Bonnors Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing.

REASONED STATEMENTS

1. The amendment **IS/IS NOT** supported by the City of Bonnors Ferry Comprehensive Plan.

- | | |
|----------------------|---|
| Community Design | Special Areas and Sites |
| Natural Resource | Recreation |
| Population | Housing |
| Economic Development | Land Use |
| Hazardous Areas | Public Services, Facilities and Utilities |
| Transportation | Implementation |
| Property Rights | School Facilities & Transportation |

Findings:

1. On September 16, 2021, the Planning and Zoning Commission conducted a duly noticed public hearing in accord with Idaho Code §67-6509 to consider the proposed amendments to Title 11, Bonners Ferry City Code, regarding housing and accessory dwelling units, development standards, and RV park standards. The Planning and Zoning Commission recommended approval of the amendment, with non-material revisions.
2. Idaho Code §67-6518, "Standards," gives authority to Idaho cities to adopt standards for public and private development.
3. The proposed amendment to Title 11 addresses, in specific, the following Bonners Ferry Comprehensive Plan policies and goals:
 - a. Section 1 of the adopted comprehensive plan provides an introduction and addresses the need to adopt regulations that are consistent with community goals and objectives. Planning principles encompass various goals regarding housing, transportation, etc., and include creating opportunities for open space, parks, and greens. Rules must be consistent with the plan. The City should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries. The community design should help conserve resources and minimize waste.
 - b. Section 2 covers property rights, and policies to recognize private property ownership as a basic right and to administer ordinances to allow reasonable use of private lands consistent with public health, safety, and general welfare.
 - c. Section 3 deals with population and growth. The goal of this section is to maintain a moderate, stable rate of long-range population growth with orderly and well-planned development.
 - d. Section 4 reviews the school facility and transportation needs. Funding and planning for school facility needs and safe bike and pedestrian routes are included in this section's goals.
 - e. Section 5 on economic development recognizes the community's source of income relies on natural resources and retail trade. Policies consider the promotion of tourism, clean industry, and expansion and growth of existing businesses. Goal 1, Policy 2, encourages the city to "zone areas that have potential for business development in such a manner that they can be used for commercial and industrial development while maintaining adjoining land use interests." This section also sets a goal to define types of activities and uses allowed in the industrial zone.
 - f. Section 6 of the comprehensive plan established three land use types: Residential, Commercial, and Industrial. The plan reminds the city to factor into its land use decisions the availability of public services. Buffering between uses that generate noise, odor, dust, light, etc., and incompatible uses are to be provided. Land use decisions must consider the availability of services and should consider the preservation and enhancement of natural resources. Protection and enhancement of general public safety, health, and welfare are factors in guiding land use decisions. The city should evaluate the community-wide impact of significant development on the need for public facilities and services, circulation, identified city resources, and housing impacts. Approval of new development should occur only after sufficient planning for rights-of-way, improvements, and access have been evaluated to accommodate increased traffic.
 - g. Section 7 addresses natural resources and encourages the protection of natural beauty and environment of the area and the need for buffers and mitigation to protect from noise, odor, or pollution. Plans for proposed subdivisions and other large sites should include provisions to protect natural drainage systems and incorporate drainage facilities, as necessary. Standards should be developed for buffering between noise- and odor-generating uses and adjacent uses. Proposed development should be evaluated for potential environmental impacts. Conservation of natural amenities should be required.

- h. Section 8 includes potential rail, river, and hillside hazards and emergency services. Land development should not occur in hazardous areas unless adverse impacts can be mitigated.
- i. Section 9 reviews available water, sewer, power, fire, solid waste and health services.
- j. Section 10 is relative to transportation, needs, and policies. This section calls for development of an efficient transportation system. The city should discourage private streets that serve developments, particularly residential areas, except where warranted by site limitations or where the private roads could negatively affect the transportation flow.
- k. Section 11 covers small and larger scale recreational needs, and includes concepts to create small, pocket parks, green space, and encouraging a “community wide park environment,” while promoting a “sense of community ownership.” Section 11 encourages the inclusion of planning efforts for private and regional recreational resources. Dedication of rights-of-way, easements, or facilities for bike and pedestrian paths are encouraged, as are land dedication for parks.
- l. Section 12, Special Areas or Sites acknowledges the wildlife refuge, Selkirk Loop and natural lands. Goals and policies of this section are noted as similar to the Recreation section.
- m. Section 13, regarding Housing, covers clean, safe housing, access, and services. Residential uses are to be buffered from non-residential uses. Zoning should be updated to provide responsible, well-planned development. The developer bears the costs of public service extensions. Developers are encouraged to maximize the variety of attractive settings, such as a variety of housing prices, amenities, and natural settings. The city should cooperate with and encourage private efforts to provide adequate housing. Explore and develop a variety of housing options to ensure future affordable housing, including mixed use zoning, small lot development, and enhancement and rehabilitation of existing housing stock.
- n. Section 14, Community Design, refers to the Hudson strategic plan, which includes visions for downtown development, pathways, and economic opportunities.
- o. Section 15 is an implementation section on ordinance updates and urges the community to review and update its standards and policies on an ongoing basis, based on changing conditions and new issues.

CHANGE ORDER NO.: No. 3

Owner:	City of Bonners Ferry	Owner's Project No.:	N/A
Engineer:	HMH Engineering	Engineer's Project No.:	M18004
Contractor:		Contractor's Project No.:	
Project:	Water Relocation and Adjustments; US-95 MP 505.0 to 506.3		
Contract Name:	Agreement Between Owner and Contractor for Construction Contract		
Date Issued:		Effective Date of Change Order:	

The Contract is modified as follows upon execution of this Change Order:

Description:

This work will relocate the existing meter at Chic-N-Chop. This meter was discovered during construction and not shown in the plans.

Attachments:

Change Order Estimate

Change in Contract Times
[State Contract Times as either a specific date or a number of days]

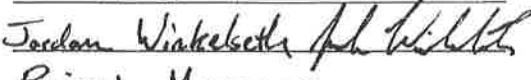
Change in Contract Price	Change in Contract Times
Original Contract Price: \$ 374,242.00	Original Contract Times: Substantial Completion: September 30, 2021 Ready for final payment: October 18, 2021
Increase from previously approved Change Orders No. 1 to No. 2 \$ 4,908.00	Increase from previously approved Change Orders No.1 to No. 2.: Substantial Completion: October 14, 2021 Ready for final payment: November 1, 2021
Contract Price prior to this Change Order: \$ 379,150.00	Contract Times prior to this Change Order: Substantial Completion: October 14, 2021 Ready for final payment: November 1, 2021
Increase this Change Order: \$ 3,997.52	[Increase] [Decrease] this Change Order: Substantial Completion: N/A Ready for final payment: N/A
Contract Price incorporating this Change Order: \$ 383,147.52	Contract Times with all approved Change Orders: Substantial Completion: October 14, 2021 Ready for final payment: November 1, 2021

Recommended by HMH Engineering

Authorized by City of Bonners

By: Marcus Levesey  _____
 Title: Project Engineer _____
 Date: 9/30/21 _____

Authorized by Wink Inc.

By: Jordan Winkelseth  _____
 Title: Project Manager _____
 Date: 9/30/21 _____

CITY OF BONNERS FERRY PERSONNEL POLICY



7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105

Adopted by the Bonners Ferry City Council on March 1, 2011

Revised: May 6, 2014
 March 3, 2015
 November 3, 2015
 September 28, 2017
 May 15, 2018
 September 18, 2018
 December 1, 2020
 October 5, 2021

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I. PURPOSE

The purpose of this Policy is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all City employees and to explain benefits provided to City employees. THIS POLICY IS NOT TO BE CONSTRUED AS A CONTRACT OF EMPLOYMENT AND IS NOT INTENDED TO SPECIFY THE DURATION OF EMPLOYMENT OR LIMIT THE REASONS FOR WHICH AN EMPLOYEE MAY BE DISCHARGED. THIS POLICY CREATES NO RIGHTS, CONTRACTUAL OR OTHERWISE, ON BEHALF OF EMPLOYEES OF THE CITY. The City may, at its sole discretion, alter or amend this Policy or portions thereof at any time without prior notice to or consent by its employees.

II. NATURE OF EMPLOYMENT

ALL EMPLOYEES OF THE CITY ARE EMPLOYED AT THE DISCRETION OF THE MAYOR AND CITY COUNCIL AND SHALL HAVE NO RIGHT TO CONTINUED EMPLOYMENT OR EMPLOYMENT BENEFITS, EXCEPT AS MAY BE AGREED IN WRITING AND EXPRESSLY APPROVED BY THE CITY COUNCIL. All provisions of this Policy shall be interpreted in a manner consistent with this paragraph and in the event of any irreconcilable inconsistencies, the terms of this paragraph shall prevail. **Except as otherwise provided herein, or as required by law, employees of the City are AT-WILL employees. Only a written contract expressly authorized by the governing board can alter the at-will nature of employment by the City.**

III. ETHICS RULES OF THUMB

In addition to the guidance provided in this Policy, there are five rules of thumb we can consider when faced with ethical questions:

1. The Media Test – How would you feel and how would the City look if your actions appeared on the front page of the newspaper?
2. The Raised Eyebrow Test – How would your co-workers, friends or family react to your judgments or decisions?
3. The Sleep Test – Are you comfortable enough with your behavior that you can sleep at night?
4. Child on Your Shoulder Test – How would you feel if a child were on your shoulder observing your behavior?
5. The Conscience Test – If it feels wrong, it usually is wrong!

IV. GENERAL POLICIES

A. THE ORGANIZATION IN WHICH YOU WORK

Working for Bonners Ferry may be somewhat different from any employer for which you may have worked in the past. Bonners Ferry is a political subdivision of the State of Idaho, though it is not a part of state government. The City Council serves as the governing body for Bonners Ferry, carrying out local legislative duties and fulfilling other obligations as provided by law. The City Council is the general policymaker for Bonners Ferry, and as such, has primary authority to establish terms and conditions of employment with Bonners Ferry. The Mayor may appoint personnel to help carry out administrative responsibilities.

As with all elected public officials, the Mayor and the City Council are ultimately responsible to the voters of Bonners Ferry. The terms set forth herein reflect city policy at the time of its

printing, but they are subject to change at any time, without prior notice, and at the sole discretion of the City Council.

While the City Council has authority to establish general policy for Bonners Ferry employees, the Mayor has the authority to establish administrative policy. Each employee should recognize that although he/she may serve as an employee supervised by the Mayor or a Department Head, he/she remains an employee of Bonners Ferry, not of the official who supervises his/her work. The terms and conditions set forth in this policy, and in the resolutions and policy statements which support it, cannot be superseded by any other official's pledge, without the express action of the City Council. That is particularly true for terms or conditions which would establish a financial obligation for Bonners Ferry, now or in the future. You may work for a department with an operational policy that provides additional direction to employees on expectations and procedures unique to that department.

B. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

All selection of Bonners Ferry employees and all employment decisions, including classification, transfer, discipline, and discharge, will be made without regard to race, religion, sex, age, national origin, sexual orientation, gender identity, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex, or age is a bona fide occupational qualification. All objections to application of Bonners Ferry policy in this regard shall be brought to the attention of the office of the Mayor or Department Head, or in the case of objection to actions undertaken by that person, to legal counsel for the City.

C. VETERAN'S PREFERENCE

Bonners Ferry will accord a preference to employment of veterans of the U.S. Armed Services in accord with provisions of Idaho Code § 65-502 or its successor. In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to Idaho Code § 65-502 or its successor will be employed.

D. CONFLICT OF INTEREST

No person shall be employed by Bonners Ferry when said employment would result in a violation of provisions found in Idaho Code § 59-701 et seq., §18-1359 or their successors. Any such appointment may be void. An employee whose relative is subsequently elected may be eligible to retain his/her position as allowed in Idaho Code §18-1359(5).

E. PREFERENCE FOR HIRING FROM WITHIN

Qualified individuals who are already employees of Bonners Ferry may be given preference over outside applicants to fill vacancies in the work force. Employees may be selected for transfer to positions without following the selection procedures normally required for hiring of new employees.

F. PERSONNEL POLICY SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

The rules contained in this Personnel Policy are subject to change, without prior notice, at any time in the sole discretion of the City Council.

V. EMPLOYMENT START-UP

A. EMPLOYMENT FORMS TO BE COMPLETED

The following forms must be completed before the employee may begin work for Bonners Ferry:

1. Employment application form
2. Withholding allowance form W-4
3. Employment eligibility verification form I-9
4. Drug testing forms
5. Insurance forms
6. Insurance information about dependents (if coverage is available)
7. Any other benefit forms necessary for employee information

B. PAYROLL REPORTING SYSTEMS

Reports of hours worked and leave time must be completed in a timely manner in accord with procedures established by the city clerk's office. Each report of employee time should be signed by both the supervisor and by the employee and should contain a certification that it is a true and correct record of the employee's time and benefit usage for the time period covered. Any employee with concerns about his/her compensation, rate of pay, payroll status, deductions, etc. shall communicate such concerns to the city clerk's office as soon as any such concern becomes evident. If the response from the city clerk's office is unsatisfactory, the employee should address the issue to his/her immediate supervisor in order to resolve stated concerns. A written record of such issues should be maintained in the employee's personnel file.

C. DISTRIBUTION OF POLICY

At the time of employment, each employee should receive a copy of this personnel policy. It is the responsibility of the employee to familiarize him/herself with the contents of the personnel policy and to acknowledge its receipt in writing. Periodic updates or changes should be distributed and acknowledged.

D. EMPLOYEE PERSONNEL FILES

1. Personnel Records

The official employee records for Bonners Ferry will be kept in the office of the City Clerk. Within these personnel files will be kept all records of employee performance evaluation, employee status, and other relevant materials related to the employee's service with Bonners Ferry. The employee's supervisor, employee's elected official or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance and tenure. Each employee shall have the right to review all materials placed in his/her personnel file at any reasonable time. Copies of materials in an employee's personnel file are available to that employee without charge. Personnel files shall not be removed from the premises except as necessary for city purposes.

2. Access to Personnel Files

It is the policy of Bonners Ferry to allow only limited access to an employee's personnel file. Those authorized to evaluate materials in a personnel file include the Mayor, the employee's supervisors, the City Council when acting as a body in the course of its official business, attorneys for the City, and the employee him/herself. Based upon the general confidentiality of personnel files, access of others to such files shall be allowed only with authorization of the supervising official after consultation with the City Attorney. Information regarding

personnel matters will only be provided to outside parties with a release from the employee, or when deemed necessary by legal counsel for the City or pursuant to Court Order, or pursuant to a proper subpoena. The City reserves the right to disclose the contents of personnel files to outside state or federal agencies, to its insurance carrier or its agents for risk management purposes or when necessary to defend itself against allegations of unlawful conduct.

3. Management of Information in Personnel Files

Each employee shall be provided an opportunity to contest the contents of his/her personnel file at any time. This is to be done by filing a written objection and explanation which will be included in the file along with the objectionable material. In the sole judgment of the supervising official, after consultation with legal counsel for the City, any offending material may be removed upon a showing by the employee that it is false or unfairly misleading. In general, there should be a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history.

VI. RULES OF EMPLOYEE CONDUCT

A. GROUNDS FOR DISCIPLINARY ACTION

Violation of any of the rules set forth below shall be grounds for disciplinary action including possible dismissal from employment. However, this list is not all inclusive and other acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Among these rules, the most important is the rule addressing attitude and cooperative behavior.

B. PERSONAL PERFORMANCE AND BEHAVIOR

Each employee of Bonners Ferry is expected to conduct him or herself in a manner that is helpful and productive and which does not reflect adversely upon Bonners Ferry. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of Bonners Ferry as a public institution, each employee is expected to scrupulously avoid personal behaviors which would bring unfavorable public impressions upon Bonners Ferry and its officials. In order to accomplish this, each employee must comply with the following expectations:

1. **WORK COOPERATIVELY AND CONSTRUCTIVELY WITH FELLOW WORKERS AND MEMBERS OF THE PUBLIC TO PROVIDE PUBLIC SERVICE OF THE HIGHEST QUALITY AND QUANTITY.** This is the first priority for all employees.
2. Shall be prompt and regular in attendance at work or other required employer functions.
3. Shall keep all City bills paid on time and current as a condition of employment.
4. Shall not use City property for personal use except as follows:
 - a. Incidental use where primary purpose is for city business
 - b. City communication devices may be used for brief infrequent emergency personal business.
 - c. On call vehicles
 - d. Specific authorization by the City Council.

5. Shall comply with dress standards established in the department for which the employee works. Dress standards shall be set by the managing official, but in the absence of any departmental dress standards, clothing shall be appropriate for the functions performed and shall present a suitable appearance to the public.
6. Shall dedicate primary efforts to Bonners Ferry employment. Secondary employment should not conflict with duties performed for the City in any meaningful way. Individual department rules may spell out permissible examples of "moonlighting" wherein employees may hold additional positions.
7. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in Bonners Ferry and related agencies. No employee shall engage in conduct which violates the laws of the State of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §59-701 et seq. (Ethics in Government Act), I.C. §59-201 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
8. Shall not accept gifts or gratuities in any personal or professional capacity which could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
9. Shall not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee.
10. Shall not release any public record without the express authority of the public official responsible for custody of the record or without an order from a court or public agency of competent jurisdiction. Public records are any information that has been filed or recorded by the City. See also Idaho Code Title 50 Chapter 9.
11. Shall not engage in conduct away from work which, although not criminal, may reflect adversely upon Bonners Ferry or its officials or otherwise impair the employee's ability to perform.
12. Shall not use any substances, lawful or unlawful, which will impair the employee's ability to function as a valued and competent part of the Bonners Ferry work force. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his or her job, the employee is required to provide a physician's note explaining the possible effects of the medication upon the employee's ability to do his or her job and the length of the time that the employee will be required to take the medication. The employee may be required to take sick leave bank time while taking the medication.
13. Shall not engage in conduct while operating a motor vehicle which impairs the ability of the employee to perform job functions even though the driving conduct does not occur during hours of employment.
14. Shall not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the City Council, the Mayor or the department for whom he/she works.
15. Seat belt use is required in all City vehicles so equipped.

C. WORKPLACE CONDUCT

Each employee will be expected to conduct him/herself in the workplace in accordance with the following rules. THESE RULES ARE NOT ALL-INCLUSIVE OF CONDUCT EXPECTED OF Bonners Ferry EMPLOYEES. Each employee of Bonners Ferry shall:

1. Give his/her best efforts to accomplish the work of Bonners Ferry for public benefit in accordance with policies and procedures adopted by the Mayor and City Council displaying an attitude of cooperation and constructive participation.
2. Be subject to the administrative authority of the officials who supervise the department where the employee works even though the officials may not have been involved in the hiring of the employee.
3. Adhere to any code of ethics in his/her profession and avoid conflicts of interest or using his/her public position for personal gain.
4. Live within 15 miles of normal work site location.
5. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.
6. Abide by all departmental rules whether they be written or issued orally by the supervisor. No employee shall be required to follow the directive of a supervisor which violates laws of any local jurisdiction, the state, or nation.
7. Abide by pertinent state and federal statutes, and Bonners Ferry rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records which are not open to public scrutiny in accordance with the direction of the responsible official.
8. Adhere to defined work schedules and follow procedures for requesting exceptions from normal work schedules. Each employee shall follow the rules regarding the reporting of work hours and obtaining the supervisor's approval for time-keeping records. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.
9. Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work.
10. Reporting all accidents that occur or are observed on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.
11. Report any accidents observed to have happened on city property or involving city property. Each employee shall provide as much information as he/she can from the observations made in the course of activities associated with one's work. Such information should be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those in need.

12. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
13. Maintain a current driver's license when necessary in the conduct of work for Bonners Ferry. Each employee must report any state-imposed driving restrictions to his/her immediate supervisor. Each employee is also obligated to notify his/her supervisor in the event that his/her driving abilities are impaired.
14. Perform such obligations as are necessary to carry out the work of Bonners Ferry in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

D. PROHIBITED WORKPLACE CONDUCT

Employees of Bonners Ferry shall not:

1. Be present in the workplace under the influence of drugs, alcohol, illegal substances or other legal substances which would impair the ability of the employee to perform his/her work competently or which would threaten the safety or well-being of other workers or the public.
2. Engage in abusive conduct to fellow employees or to the public, or use abusive language in the presence of fellow employees or the public. Abusive language shall include profanity and loud or harassing speech.
3. Sleep or be absent from the employee's work station when on duty. Employees shall be attentive to their work at all times.
4. Engage in malicious gossip and/or spread rumors, engage in behavior designed to create discord and lack of harmony, or willfully interfere with another employee's work output or encourage others to do the same.
5. Use work time for personal business, including the selling of goods or services to the general public.
6. Use work time or public premises to promote religious beliefs to members of the public or fellow employees.
7. Engage in political activities while on duty in public service. This rule shall not apply to elected officials.
8. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
9. Destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the City (I.C. §§ 18-3201 and 18-3202).
10. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability or national origin.
11. Smoke in City buildings, vehicles, or equipment.
12. Abuse employee benefit offerings by taking unjustified personal time off or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not deserved in accordance with Bonners Ferry policy.

13. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by the Bonners Ferry policy for use of paid time off, bereavement, or other types of leave granted by this personnel policy.
14. Engage in prolonged visits with co-workers, children, friends, or family members who interfere with the course of work in the office or department in which the employee serves.
15. Use phones or computers in the workplace in a manner that violates policy or which disrupts workplace activities.
16. Engage in criminal conduct of any kind while on duty or off. Bonners Ferry employees are expected to behave in a lawful and socially acceptable manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
17. Violate any lawful rule established by the appointing official to maintain order and productivity in the workplace.
18. Unlawfully harass a fellow worker or member of the public at any time while in the Bonners Ferry active service, as outlined in the City's Unlawful Harassment Policy.

E. RELATIONSHIP POLICY

1. No employee of Bonners Ferry shall hire, supervise or otherwise exercise discretion concerning a paid employee who is a spouse.
2. No employee of Bonners Ferry shall supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor within the first degree of affinity or consanguinity.
3. No employee of Bonners Ferry shall hire a paid employee who is related to the supervisor within the second degree of affinity or consanguinity pursuant to state law (I.C. § 18-1359 or its successor).
4. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate.

F. CANDIDACY FOR ELECTIVE OFFICE

While Bonners Ferry recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when balancing the right of the individual to become a candidate for office and the City's interests in promoting the efficiency of the public services it performs through its employees. (*Pickering v. Board of Education*, 391 U.S. 563, 88 S.Ct. 1731 (1968)).

If an employee initiates candidacy against an incumbent Elected Official for whom he/she is a subordinate and there is a reasonable prediction of disruption in that Official's office, the employee must immediately resign or face possible termination.

A "**reasonable prediction of disruption**" is based upon any of the following factors:

1. The size of the office in which the employee works--the smaller the office, the greater prediction of disruption;
2. Whether the employee candidate holds a position of trust and confidence to the incumbent--the closer the ties, the greater likelihood of disruption;

3. Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor--in such circumstances the threat of disruption would loom larger; or
4. The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another--the greater the amount of contact and interaction, the greater the possibility of disruption.

Not all of the above factors must be met in order to seek resignation or termination of the employee.

If the Official determines that there exists a "reasonable prediction of disruption" should the employee remain employed with Bonners Ferry and the employee refuses to resign, he/she may be terminated. The Official should set out, in writing, the factual basis, for finding that there exists a "reasonable prediction of disruption" using the above factors. Said written findings should be provided to the employee, placed in the employee's personnel file and be made a part of the official record. All other applicable hearing procedures, as set out in this policy, shall apply

G. FIREARMS IN THE WORKPLACE

In order to ensure a safe work place for the employees of the City of Bonners Ferry as well as the citizens of Bonners Ferry, the City prohibits employees from carrying on his/her person or having at his/her workplace, firearms of any type while the employee is representing the City of Bonners Ferry (i.e. on duty, during regular work hours, and/or performing off-site tasks for the City). This shall include a prohibition on firearms in any City-owned vehicle. This prohibition shall apply to all visible and concealed firearms, regardless of whether the owner has obtained the necessary permits.

1. Definition: The definition of a "firearm" for the purposes of this policy shall be as defined in Idaho Code §18-3302.
2. Police Officer Exception: Police officers are required, as a condition of their work assignment, to possess a firearm while executing their work responsibilities and thus are not subject to this prohibition. These employees are to possess and use these firearms in accordance with the department's operating procedures and all applicable state and federal laws.
3. Special Authorization: An employee may request authorization to possess or utilize a firearm while fulfilling City duties by applying for special authorization in writing. The request must state the reason for the request, the time frame for which authorization is requested, and the location at which the authorization is requested. Requests shall be reviewed by the Mayor and the Chief of Police and the consent of both reviewers shall be required prior to authorization and must be documented in writing. A copy of any request, whether approved or denied, shall be placed in the employee's personnel file. Authorization granted may be revoked at any time and without prior notice by the Mayor or Chief of Police in consultation with the City legal department.

H. ON-THE-JOB INJURIES

All on-the-job injuries shall be reported to the employee's supervisor as soon as practicable to allow filing of a worker's compensation claim in the proper manner. If an employee is disabled temporarily by an on-the-job accident he/she should be eligible for worker's compensation benefits. Return to employment will be authorized on a case-by-case basis upon consultation with the supervising official and the State Insurance Fund. Concerns associated with injured worker status may be brought before the appropriate elected official for review. The employee may use sick leave and submit the comp checks to the City.

For sworn law enforcement officers injured in on-the-job accidents, the City should handle worker's compensation claims pursuant to Idaho Code.

VII. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

With the exception of Elected Officials, any employee, regardless of designation, may utilize the unlawful discrimination and name-clearing hearing procedures set out in Section V of this policy should he/she believe that an employment action taken against him/her was the result of unlawful discrimination or an allegation entitling him/her to a name-clearing hearing.

A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

1. Employment Status

- a. Except as otherwise provided by this Policy, or as required by law, or pursuant to a written contract approved by the governing board, employees of the City are AT-WILL EMPLOYEES.
- b. Changes in employment status that are the result of budgetary needs, reductions in force, reorganization of work duties through transfer or reassignment, or general changes in the terms or conditions of employment or of benefit offerings may be made at the sole discretion of the City. Therefore, Bonners Ferry retains full authority, without prior notice, to modify the general terms and conditions of employment. Should an employee believe that any such decision is the result of unlawful discrimination, he/she may utilize the hearing procedures set out in Section VIII of this policy.
- c. Appointed Officials. The city clerk, treasurer, and any other officials appointed pursuant to Idaho Code § 50-204 may only be removed pursuant to Idaho Code § 50-206 and the hearing process as set out in this policy does not apply. However, any employed appointed official who believes that he/she has been removed from his/her position as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures set out in Section VIII of this policy.
- d. Temporary or Seasonal Employees. Employees who work on an irregular or temporary basis are considered to be temporary or seasonal employees. Any temporary or seasonal employee who believes that he/she has been terminated from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures set out in Section VIII of this policy.
- e. Veteran's Rights Following Reinstatement. Any veteran, who has been restored to his/her position in accordance with Idaho Code, shall not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran shall be entitled to a hearing prior to termination. Such returning veteran shall also be considered as having been on leave of absence during his/her period of military duty. He/she shall be restored to his/her position without loss of seniority, status or pay.

2. Employee Classification for Benefit Purposes

The classification of the position you hold with Bonners Ferry may affect the status of obligations or benefits associated with your employment. The primary classes of employees and their respective status is outlined as follows:

- a. Elected Officials - Elected officials are not considered regular employees. Elected officials receive employment benefits by action of the City Council.
- b. Full-Time Regular Employees - Employees who are not temporary or seasonal and whose typical work week consists of at least 40 hours are considered Full-time Regular Employees. Full-time regular employees shall receive all employee benefits provided by Bonners Ferry as such benefits now exist or may be subsequently changed by action of the City Council.
- c. Part-Time Regular Employees - Employees who are not temporary or seasonal and whose typical work week consists of less than 40 hours on a regular basis are considered Part-time Regular Employees. Part-time regular employees shall receive employee benefits in accordance with specific policies adopted by the City Council. The number of hours scheduled may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.
- d. Temporary/Seasonal Employees - Employees who work on an irregular or temporary basis, even though they work more than 40 hours per week are classified as temporary or seasonal employees. Temporary or seasonal employees will receive no benefits provided to regular employees, except those required by law or those approved by official action of the City Council. The hearing process set out in this policy does not apply to temporary or seasonal employees.
Any temporary or seasonal employee who believes that he/she has been terminated from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures set out in Section V of this policy.
- e. Exceptions – May be made by the council for volunteers and special circumstances.
- f. Independent Contractors - Independent contractors who provide services to the City on a contractual basis are not considered employees of the City. As such, this Policy does not apply to independent contractors.

B. COMPENSATION POLICIES

1. Establishment of Employee Compensation

Bonners Ferry compensates employees in accord with decisions by the City Council as budgets are set and tax levies are authorized. Pay for any given position is subject to the annual budgetary process and as such may be subject to increase, reduction, or status quo maintenance for any time period. The supervising elected official or administrator may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the City Council. The City Council reserves the right to make budget adjustments, and consequently pay adjustments, during the course of the budget year in order to manage cash flow or to deal with other circumstances which justify or require change in city expenditures.

2. Compliance with State and Federal Pay Acts

Bonners Ferry shall comply with all State and Federal Pay Acts respecting the compensation of employees for services performed in the public service.

3. Additional Compensation Policies

Elected Officials shall be paid a set salary as established by the Council in the annual budget. They shall have no right to overtime pay, compensatory time off, or personal time off. Employees determined to be exempt from the hourly requirements of the Fair Labor Standards Act shall be paid on a salary basis as established by the City Council.

4. Right to Change Compensation and Benefits

Bonnors Ferry reserves the right to change general compensation for any reason deemed appropriate by the Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent city budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as work load changes.

5. Overtime Compensation - Compliance with Fair Labor Standards Act

In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as Exempt (salaried) or Nonexempt (hourly) for purposes of complying with the Federal Fair Labor Standards Act (FLSA). The FLSA is the federal wage and hour law which governs the obligation of employers to pay overtime compensation. Certain employees are exempt from operation of this law because they perform work that qualifies for the professional, executive or administrative exemption. As such, exempt employees are not required to receive overtime pay for hours worked beyond the limits provided by the statute. Employees who serve as sworn law enforcement officers or as firefighters may be subject to special exceptions found in the FLSA (see 29 U.S.C. § 207(k)). Please contact your department supervisor or the office of the City Clerk (HR) for further clarification of your FLSA status.

6. On-Call/Standby duty:

- a. Definition: Time which an employee is not required to be at work, but who is available should the City schedule, call or otherwise desire the employee to attend to work matters. Employees who are schedule for on-call work are expected to be available at any time during their scheduled on-call or standby time to carry out their full working duties.
- b. Compensation: An employee shall be paid for standby time at a rate of two (2) hours of overtime for each **full day (24 hours)** of standby duty. This is compensation for standby and does not include hours worked. Employees shall be compensated for any hours worked in addition to the on-call or standby duty.
- c. Scheduling: An Employee may be schedule for On-Call or Standby time during their normal scheduled weekend or weekday off, or when scheduled to work on observed holidays.

7. Nighttime On-Call / Standby duty:

- a. Definition: The time an employee is scheduled to be available should the city call, schedule or otherwise require the employee to be available for work after normal working hours of one day and before the normal working hours of the next day.
- b. Compensation: Nighttime On-Call duty is compensated at a rate equivalent of one (1) hour of overtime rate for each night of duty. This compensation for standby and does not include hours worked. Employees shall be compensated for any hours worked in addition to the nighttime on-call or standby duty.

- c. Scheduling: An Employee may be schedule for On-Call or Standby time during their normal scheduled weekend or weekday off, or when scheduled to work on observed holidays.

8. Call Outs

- a. Definition: An event when an employee is called-in for unanticipated work outside of their normal scheduled work hours. Call Outs may coincide with On-Call or Standby Duty time.
- b. Compensation: Employees, shall be compensated a minimum of two (2) hours overtime worked for any call-out, as defined. Call-Out time is typically scheduled or authorized by the Superintendent or Department Head. Call Out pay does not apply in the following situations:
 - i. Time worked adjacent to a scheduled shift,
 - ii. Issues that can be addressed remotely, or
 - iii. Worked not scheduled in conjunction with On-Call or Standby time, such time shall be treated as normal or overtime hours and be paid in accordance with the FLSA.

9. Reporting and Verifying Time Records

It is the responsibility of each hourly employee to properly record time that he or she has worked. Each time sheet shall bear the signature of the employee with a statement verifying its accuracy and a counter signature by a supervisor indicating that the hours claimed were actually worked. These records shall be retained as required by the records retention policy of the City, consistent with state law. Exempt employees may be required to document time worked for accountability and benefit purposes.

10. Work Periods

Employment with Bonners Ferry is subject to the Federal Fair Labor Standards Act as previously described. Each employee is responsible for monitoring the status of hours worked in each work period. Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency. The work week for all regular employees who are subject to the FLSA will begin at 12:00 a.m. (midnight) on Sunday of each week and conclude at 11:59 p.m. the succeeding Saturday. For regular employees, time actually worked in excess of forty hours in a work week will be computed at one and one-half (1 ½) times the hours worked. **Paid time off and holidays falling on a regularly scheduled work day will count toward hours worked for computation of overtime pay.**

Sworn law enforcement officers and firefighters may be subject to the special exception for their respective professions under 29 U.S.C. § 207(k) which allows establishment of their work period up to twenty-eight (28) days. Overtime compensation at one and one-half (1 ½) times the hours worked is to be paid for qualifying law enforcement officers' or for qualifying firefighters' hours beyond those established by the § 207(k) schedule. For these special exception employees, compensatory time will accrue on the paycheck which follows the conclusion of each work period.

11. Promotions and Compensation

The compensation policy for all employees is established by action of the City Council. The annual budget of Bonners Ferry sets the funding available for compensation for positions in various departments. Promotions and changes in status may be recommended by officials in each of the operating departments, but final authority regarding compensation rests with the appropriate administrative official.

12. Payroll Procedures and Paydays

Employees are paid every two weeks throughout the year. Paychecks are issued by the office of the treasurer on every Friday following the pay period. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.

It is the obligation of each employee to monitor the accuracy of each paycheck received. Information shown on the employee's paycheck stub is provided for information only. The paycheck is generated by a computer program that does not have the capacity to think or to understand individual circumstances. Actual practices respecting the issuance of paychecks and allocation of employee benefits must be consistent with the official policy of the City. In the event of disagreement between the computer-generated paycheck stub and official policy as interpreted by the Department Head with the assistance of the City Clerk, the policy shall prevail. Employees are obligated to call to the City's attention any discrepancies in payroll practices, whether to the advantage or disadvantage of the employee.

13. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding

Leave will be granted and full pay provided to employees called to serve as a court witness in matters specifically related to city operations or called to serve on jury duty. The employee has the choice of taking unpaid leave; or using paid leave, advising the City of funds received for services for jury duty and having these deducted from their gross pay; or taking paid time off and keeping the funds received for jury duty.

14. When a City Employee who is also a City volunteer fireman responds to an incident during normal working hours they will be compensated as an employee. When they respond to an incident outside of normal working hours they will receive the stipend paid to all other fireman.

15. Military Leave

Unpaid leave of absence will be granted to participate in ordered and authorized field training. The city's employment policy will comply with the provisions of Idaho Code § 46-224, et seq., or its successor, as those Code provisions govern leaves of absence for military service and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA).

16. Reduction in Force

Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and workload. The Mayor reserves the right to make any changes in work force or assignment of resources deemed to be in the organization's best interests.

17. Payroll Deductions

In accord with Idaho Code § 45-609 or its successor, no payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law.

C. TRAINING, CONFERENCE, & TRAVEL POLICY

1. Purpose and Scope

The purpose of this policy is to provide guidelines under which City of Bonners Ferry employees, public officials, and appointees will be reimbursed for authorized travel expenses incurred in the conduct of business for the City of Bonners Ferry, hereinafter referred to as "City."

This policy shall apply to employees of the City, elected officials, boards, commissions, and others who are engaged in authorized travel and who expend City funds for travel purposes.

While this policy does not cover every possible situation, it establishes guidelines for employees and officials to make appropriate judgments regarding the expenditure of City funds for reimbursable expenses.

2. Training and Conference Registration Fees

Request for payment of registration fees shall be accompanied by registration form and receipt if paid by the employee. When practical, registration fees should be paid in advance by the City.

3. Travel Authorization

Travel requests shall be approved by the department head, subject to budgetary allowances. If the travel request is in excess of budgeted amounts, the department head may make a special request for approval to City Council.

The Mayor shall have approval authority over travel requests for department heads and other employees without a direct supervisor. All requests must be submitted in a reasonable amount of time for approval.

4. Transportation: Common Carrier

All trips requiring the use of a common carrier must be pre-approved by the appropriate authority.

The mode of travel must be justified on the basis of the most economical use of time of the personnel involved, cost of optional travel modes, and requirements of the trip.

All common carrier reservations must be consistent with reasonable travel planning, common carrier will be booked at the lowest available fare.

Travel reservations should be made as far in advance as possible to attain the lowest fares. Reservations should be made directly with the carrier, or if made through a booking service (Expedia, Travelocity, etc.), shall be refundable. When possible, reservations should be made by the Clerk's office to allow for direct billing; department head may also make reservations as appropriate.

For air travel, the City will reimburse the cost of one checked bag only. A receipt is required for reimbursement.

5. Transportation: Passenger Vehicles

a. City-Owned Vehicles

City-owned vehicles should be utilized for travel when such use is the most practical and economical mode of transportation, including the cost of fuel and parking.

b. Privately-Owned Vehicles

Reimbursement of private vehicle expenses shall be at the Standard Mileage Rate as set by the federal government for actual and necessary miles traveled. Mileage begins at the employee's normal place of work such as City Hall or the City Yard and shall be calculated to the destination.

When considering approval for use of personal vehicles for travel, the approving authority shall take into consideration the cost of alternative modes of travel and the cost of meals and lodging for the additional travel days. Mileage reimbursement shall not exceed the cost of airfare plus travel to/from the airport.

When two or more employees travel in a privately owned vehicle, only one mileage reimbursement is allowed.

When a private vehicle is used for transportation to and from airport, City will pay for or reimburse the cost of parking at the airport for the amount of time the employee is attending the conference/training. Any additional days spent in airport parking outside of conference attendance shall be paid by employee.

6. Lodging

a. General

City travelers are expected to seek accommodations that are comfortable, convenient, and meet business and personal needs and offer good value. Employees are expected to compare local lodging rates in the area prior to reserving lodging, if practicable.

b. Accommodation

Lodging accommodations for reasonably priced single occupancy rooms are reimbursable when the traveler is away from home overnight due to travel.

Accommodations shared with family members or others not on official City business are reimbursable at the single occupancy rate only.

The employee is urged to reserve hotel accommodations that offer the best value to the City, including offered government rates. When possible, reservations should be made by the Clerk's office to allow for direct billing; department head may also make reservations as appropriate.

7. Use of City Credit Cards

Employees issued a city credit card during travel should use it to pay for expenses associated with approved travel including lodging and related transportation expenses. Upon return from travel, itemized receipts must be provided. City credit cards should not be used to purchase items covered within the per diem policy or non-reimbursable expenses, including meals and gratuities.

Failure to provide itemized receipts within a reasonable time upon return from travel may result in employee being required to reimburse City for non-verifiable expenses.

8. Non-reimbursable Expenses

The following are non-reimbursable expenses and are not to be charged to City credit cards:

- Laundry
- Personal entertainment
- Personal phone calls
- Traffic and parking tickets
- Overweight baggage fees
- Theft, loss, or damage of personal effects
- Personal care items
- Alcohol

9. Personal Travel in Conjunction with City Travel

An employee may combine personal travel with city business travel with pre-approval from department head or appropriate approval authority. The City is responsible ONLY for the official business portion of the trip. No personal expenses during personal travel portions of a trip will be reimbursed. Employee must obtain a quote showing the cost of the most economical and direct travel method/route to and from the approved business destination for the dates of official business. This quote will be used for reimbursement purposes. Employee will be required to cover the cost in excess of the most economical and direct travel method.

10. Wages and Overtime

a. Travel Time

An employee will be compensated for work time while traveling which corresponds with the employee's regularly scheduled shift, not including meal times.

It is the policy of the City that employees shall be compensated for travel time to and from training in addition to the time at training. Time spent over the employee's normal work shift shall be compensated as overtime.

b. Training Time

As a general rule, premium pay for overtime, night, holiday, or Sunday work will not be paid during training.

Attendance at lectures, meetings, training, and conferences shall not be compensated as working time if the following criteria are met: it is outside normal working hours; it is voluntary; not job related; and no other work is performed.

Time spent by employee in outside study while at trainings is not compensable if the studying is not required by the employer (i.e. employees voluntarily do extra work on their own to bolster their ability). However, when completion of "homework" is a

requirement of a compensable training class, time spent completing assignments for such training is compensable per FLSA standards.

11. Travel Per Diem

a. Daily Per Diem Allowance Rates:

A daily Per diem allowance shall be paid to the traveler in accordance with the amounts and hours of the day as adopted by the City Council. The Per diem allowance is a fixed amount for a full day of official travel status and is not a reimbursement for actual costs incurred. No receipt or other evidence of expenditure is required. The Per diem allowance is intended to cover the cost of food, beverages, and related gratuities and no portion of these costs shall be reimbursed as separate items.

The City Council shall adopt an in-state Per diem rate (see Appendix A below). Out of state Per diem rates shall be based off of the General Services Administration's (GSA) dually adopted Per diem rates available at www.gsa.gov/travel.

b. Timeframes for Partial Day Per Diem Allowance:

The amount of the Per diem allowance for official City travel that does not involve an overnight stay, or for the first and last day of a multiple day trip, shall be calculated based on the percentages of the daily Per diem allowance as established by the City Council.

- 25% for breakfast (leave at 7:00am or earlier/return at 8:00am or later)
- 30% for lunch (leave at 11:00am or earlier/return at 2:00pm or later)
- 45% for dinner (leave at 5:00pm or earlier/return at 7:00pm or later)

c. Meals Provided by Others and at Conferences:

When meals are furnished by others or as part of a meeting or conference and are identified on an official agenda, the Per diem allowance for the day shall be calculated for only those meals not provided. The allowable amount shall use the following percentages applied to the allowable Per diem allowance for each meal not provided by others or as part of a meeting or conference:

- 25% for breakfast
- 30% for lunch
- 45% for dinner

Complimentary meals or beverages provided by lodging vendors (including hotel continental breakfasts), commercial airlines, or other commercial entities will not be considered when determining Per diem allowances.

d. Incidental Expenses

Tips and Gratuity Tips and gratuity are included in the Per diem allowance amount and cannot be claimed separately, even if the gratuity is unrelated to a meal expense. This includes all amounts related to taxi or airport shuttle services, baggage handling, hotel services, or for which gratuities are usual and customary for the services provided.

Other expenses not specifically described in these policies but which are necessary in the performance of official City business and properly authorized and documented, are allowable.

**PER DIEM POLICY APPENDIX A
IN STATE PER DIEM ALLOWANCES**

MEAL			IN STATE RATE
B			\$12.50
B	L		\$27.50
B		D	\$35.00
	L		\$15.00
	L	D	\$37.50
		D	\$22.50
B	L	D	\$50.00

Percentage for Partial Day Meal Reimbursement	
Breakfast	25%
Lunch	30%
Dinner	45%

Leave and Arrival Requirements		
Breakfast	Leave	7:00 am or before
	Arrive	8:00 am or later
Lunch	Leave	11:00 am or before
	Arrive	2:00 pm or later
Dinner	Leave	5:00 pm or before
	Arrive	7:00 pm or later

12. Peace Officers Standards Training (POST) Travel

The City will pay for the cost of travel to attend POST training in Boise to include roundtrip travel to the training facility at the beginning of the course and home at the completion of the course, as well as one additional roundtrip home. Additional trips home will be the responsibility of the employee.

Should an employee attend POST training at the POST North Idaho College (NIC) Police Academy Training Facility in Post Falls, if feasible the city may provide a City-owned vehicle to be issued to the employee for commuting between the city limits and facility on weekends. Mileage allowances for weekend trips between city limits and facility in a private vehicle shall be at the discretion of the Chief of Police.

E. EMPLOYEE BENEFITS

Bonnors Ferry offers a number of employee benefits for regular full-time and part-time employees. These benefit offerings are subject to change or termination in the sole discretion of the City Council. Each benefit offering is subject to the specific terms of its respective insurance policy and/or official resolution of the City Council.

1. Paid Time Off

The City of Bonnors Ferry believes that employees should have opportunities to enjoy time away from work to help balance their lives. The City of Bonnors Ferry recognizes that employees have diverse needs for time off from work. The City of Bonnors Ferry has established this paid time off (PTO) policy to meet those needs. The benefits of PTO are that it promotes a flexible approach to time off. Employees are accountable and responsible for managing their own PTO hours to allow for adequate reserves if there is a need to cover vacation, illness or disability, appointments, emergencies, or other situations that require time off from work.

a. Eligibility

PTO is accrued upon hire or transfer into a benefits-eligible positions. Eligible employees, for determination of this policy are full-time regular employees as defined within the City's Personnel policy. Temporary/seasonal employees or part time regular employees are not eligible to accrue PTO.

b. Procedures

PTO accruals are available for use in the pay period following initial hiring of an eligible employee. All hours thereafter are available for use in the pay period following the pay period in which they are accrued.

i. Accrual and Payment of PTO

Accruals are based upon paid hours up to 2,080 hours per year, excluding overtime. Length of service determines the rate at which the employee will accrue PTO. PTO does not accrue on unpaid leaves of absence or PTO cash outs upon termination. Employees become eligible for the higher accrual rate on the first day of the pay period in which the employee's anniversary date falls.

ii. Accrual of Banked Sick Time

Any employee may choose to create a sick bank wherein hours can be moved from PTO to the sick bank accrual. The employee shall make requests in writing to move PTO time to their sick bank and shall accept that once the allocation is made it cannot be moved back to regular PTO. Employee shall make written request prior to their maximum accrual time being met; any time lost prior their written request shall not be reestablished.

Accrual Table

Years of Service	Accrual Rate per Hour	Annual PTO Accrual*	Maximum PTO Accrual**	Sick Bank Accrual
1-10 years (120 Months)	0.08462	176 hours	264 hours	480 Max. Accrual
10-15 years	0.10385	216 hours	324 hours	480 Max. Accrual
15 or more years	0.12307	256 hours	384 hours	480 Max. Accrual

*Annual PTO Accruals are based on an employee having 2,080 paid hours per year (40 hours per week).

**No PTO hours will accrue beyond the maximum accruals listed unless moved to the Sick Bank Accrual.

iii. Use and Scheduling of PTO

Employees are required to use available PTO when taking time off from work. PTO may be taken in increments of as low as ½ one hour. However, PTO may not be used for missed time because an employee reports late to work, except during inclement weather.

Whenever possible, PTO must be scheduled in advance. PTO is subject to supervisory approval, department staffing needs and established departmental procedures.

Unscheduled absences will be monitored. An employee will be counseled when the frequency of unscheduled absences adversely affects the operations of the department. The supervisor may request that the employee provide a statement from a health care provider concerning the justification for an unscheduled absence.

Sudden illnesses that result in absence from scheduled work must be reported to the employee's supervisor as early as possible. Employees experiencing sudden illness are encouraged to check in with their supervisor at least 15 minutes before their schedule shift. Failing to call or calling in after the employee's schedule shift may be grounds for disciplinary action by the Supervisor.

When PTO is used, an employee is encouraged to request payment of PTO hours according to his or her regularly scheduled workday. For example, if an employee works a six-hour day, he or she would request six hours of PTO when taking that day off. PTO is paid at the employee's straight time rate. PTO is not part of any overtime calculation.

Employees may not borrow against their PTO banks; therefore, no advance leave will be granted.

iv. Payment upon Termination

An employee will be paid upon resignation, separation or retirement for all PTO hours accumulated but not used. Employees whose positions are eliminated through a

reduction in force or reorganization or whose hours drop below 20 hours per week are paid PTO on the effective date of the termination.

v. PTO Cash Out- upon separation

Upon separation, employees are eligible to be paid out for any unused PTO by a lump-sum payment at the then-current hourly or daily rate.

vi. Borrowing Against PTO or Sick Bank- Not allowed

No employee shall be allowed to borrow or receive credit for PTO or sick bank time for their use. In order to use any PTO or Sick Bank time, the employee shall first have earned such time.

c. Sick Bank Account

i. Creation and Contribution to Employee Sick Bank Account

Any Employee can create a sick bank account by making a written request to the City's Human Resources Officer. Once created, the account shall operate in accordance with this policy.

The employee is responsible for the creation and continued contribution of sick bank time. The City shall not contribute to any sick bank time without amendment to this policy. Contribution can only be made to their account through the employee's PTO time. Once an employee transfers time from their PTO to their sick bank account, the time cannot be transferred back to PTO.

ii. An employee may request, at any time, to move PTO to their Sick Banked Account through proper submission request to the City's Human Resource Officer. Any requested move from PTO to Sick Banked Account shall occur prior to time being lost because of accrual limitation being met. Any lost time cannot be reinstated or retro-actively compensated, if the request is made after time is lost. Use & Schedule of Sick Bank Time

Sick Bank Time shall only be utilized to cover those hours that the employee needs to care for themselves or immediate family's health needs.

Employees who have a qualifying illness or event that require them to be absent for longer than three (3) working days per condition, are required to contact their immediate supervisor and Human Resource Officer to apply for use of sick bank time.

Employees must first use a minimum of three (3) working days of PTO per condition before accessing their sick banked time. Employees who do not have any PTO time shall take the time without pay before being eligible for sick banked time.

Sick bank account may be used for a Workman's comp covered injury.

Requests for Sick Bank Leave must be taken in minimum one (1) workday or eight (8) hours, with one (1) hour increments above that.

An employee must not have a written record of disciplinary action for leave abuse or misuse of leave within the past twelve (12) months.

An employee may not accrue more hours than those hours stipulated within the accrual table.

iii. Qualifying Illness or Condition

A qualifying illness and/or conditions are acute or prolonged illnesses or injuries that are expected to take longer than three (3) days to recover.

The City retains the right to determine whether the illness or condition qualifies based on the information it receives from the employee and/or medical provider.

Examples of a qualifying illness or conditions include, but are not limited to:

1. Surgery that requires longer than three (3) days of recovery (preauthorization recommended).
2. Serious or debilitating illness that requires hospitalization or in-home care.
3. Caring for a ill or injured family or household member
4. Death of a family or household member
5. Treatment for a chronic or long-term health conditions.

As with any request, the employee is encouraged and recommended to review all requests of sick bank time with the supervisor and/or human resource officer prior to submitting for time off.

Use of Bereavement Leave is considered a qualifying event or conditions.

iv. Sick Bank Cash Out- upon separation

Upon separation from the City the employee may request to be cashed out of any sick bank time. Cash outs shall not be more than 25% of the total hours or \$5,000.00 whichever is less.

d. Bereavement Leave:

Up to five (5) days of paid leave of absence shall be provided for a death in an employee's immediate family (spouse, mother, father, step-mother, step-father, mother-in-law, father-in-law, children, grandparents, grandchildren, brothers, sisters, sisters-in-law, or brothers-in-law).

Use of Bereavement Leave is considered a qualifying event or condition to access the employee's sick bank account.

Any additional leave must be approved by the department head and may be granted from accrued Personal Time Off (PTO), sick bank account, comp time, or unpaid leave of absence.

2. Holidays

Eleven official holidays are provided for full-time regular employees. Employees who have regular full-time active status on the date of any holiday shall receive compensation for that day even though they do not work. Holidays that fall on Saturdays shall be observed on the preceding Friday. Those that fall on Sunday shall be observed on the succeeding Monday. The holiday schedule may be changed at any time by the City Council.

Recognized Holidays:

New Year's Day	Labor Day
Martin Luther King, Jr./Human Rights Day	Columbus Day
Presidents' Day	Veteran's Day
Memorial Day	Thanksgiving Day
<u>Juneteenth</u>	Christmas Day
Independence Day	

- a. Holidays - Occurring on an Employee's Regularly Scheduled Workday: When a paid holiday falls on an employee's regularly scheduled workday, the employee will be paid eight hours holiday pay. If the typical regularly scheduled workday is more than holiday paid hours, the employee may:
 - i. Elect to use PTO earned to make up for the time in excess of the 8 hours that the employee was scheduled to work; or
 - ii. Elect to forego compensation for the difference; or
 - iii. Pending Department Head approval, an employee may work additional hours during the same pay period as the holiday to make up for any loss of hours.
- b. Holidays - Occurring on an Employee's Regularly Scheduled Day Off: When a paid holiday falls on an employee's regularly scheduled day off, the employee will be paid eight hours holiday pay and be given an alternate 8 hour day off during the same pay period as the holiday. If the typical regularly scheduled workday is more than holiday paid hours, the employee may:
 - i. Elect to use either paid time off or compensatory time earned to make up for the time in excess of the 8 hours that the employee was originally scheduled to work; or
 - ii. Elect to forego compensation for the difference; or
 - iii. Pending Department Head approval, an employee may work additional hours during the same designated pay period as the holiday, in lieu of using accrued leave.
- c. Full-time Regular Hourly Employees who work on holidays shall be compensated at a rate of one and a half (1½) times the employee's regular rate of pay in addition to the normal holiday pay.
- d. Part-time employees may be allowed to work a recognized holiday, but must first obtain approval from their supervisor. If a part-time employee is approved to work or has been requested by their supervisor to work on a recognized holiday, the employee shall be compensated at a rate of one and a half (1½) times the employee's regular rate of pay.

3. Leaves of Absence

Up to thirty (30) days unpaid leave can be granted by the Mayor for any justifiable purpose. Paid leave in any amount or unpaid leave in excess of thirty days shall require written approval of the City Council.

4. Change in Benefits

Bonnors Ferry, through its City Council, reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as the law otherwise requires.

5. Benefits for Part-Time or Temporary Employees

All employees shall receive benefits as required by law to include Worker's Compensation insurance, all other benefits to be determined by the City Council.

6. Insurance Coverage Available to Full-Time Employees

Health insurance is available to all full-time employees and the employee immediate family members in accordance with the terms and conditions of the city's contract for such services. For purposes of this section, immediate family shall include spouse/domestic partner and/or child(ren) under the age of 26.

- a. Fire Department Employees who are eligible to take the City's health coverage shall do so under the following circumstances:
 - i. Are only eligible for the employee and not their spouse or child(ren).
 - ii. Where they are not offered or have coverage through their primary employer.
 - iii. Shall meet or attend at least four hours of training in each pay period.
- b. Failure to meet the four hours of training in each pay period will result in the employee having to cover the cost of the health insurance for that month. Continued failure, more than three times in a 12-month, period may result in loss of benefit and termination from the position.

The City Clerk's Office should be contacted to learn of sign-up and claims procedures. ~~Other insurance offerings may include life insurance, disability insurance, vision insurance and supplemental income protection may be available at employee or city expense. The City Clerk's Office should be contacted for additional information.~~ Any such offerings are subject to change at any time.

7. Retirement

The retirement plan of Bonners Ferry combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security (FICA). PERSI mandates withholding a percentage of an employee's gross salary for pension purposes, which is presently exempt from Federal and State income taxes, and Bonners Ferry matches this with an additional larger contribution. Contact the City Clerk's Office for further information.

8. Miscellaneous Benefits

In addition to the benefits listed on the previous pages, the following miscellaneous benefits may be available to employees for participation in accordance with the terms of their respective policy or agreement. Any such offerings are subject to change at the City Council's sole discretion at any time.

- Deferred compensation plans handled by payroll deduction.
- Credit union participation.
- Employee-requested deduction programs subject to city policy.
- Provision of uniforms, tools, equipment allowance, etc.
- Parking privileges, use of the lunchroom and kitchen facilities, and use of a locker.
- Further training and higher education reimbursement or tuition refund.

- Transfer of Benefits with Employee Transfer

Accrued benefits for each employee continue to the benefit of that employee if the employee transfers from one department to another within Bonners Ferry. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by employees similarly situated.

F. MODIFIED DUTY POLICY

1. Purpose and Scope

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty related illness or injury, and due to medical restrictions or limitations, are unable to perform their regularly assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified duty assignment is subject to the approval of the head of the employee's department or his/her designee.

Modified duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the employee's department or the City with a productive employee during the interim period.

The City will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

c. Definition

Modified Duty: a temporary, limited term assignment not requiring performance of the full range of duties associated with the employee's regular job classification. Modified duty may also be referred to as "light duty."

d. Limitations

Modified duty assignments are a management prerogative and not an employee right. Modified duty assignments shall be subject to continuous reassessment dependent upon the City or the department's needs and the employee's ability to perform in a modified duty capacity.

An injured employee may be offered a modified duty position outside of his/her normal assignment or department if it becomes available, but the employee shall be given the option to either accept the position or continue to draw on applicable sick leave bank or disability accounts if applicable.

If an employee cannot adequately perform in a modified duty assignment such assignment may be modified or terminated.

The lack of City or department need or a change in priorities may result in the employee's removal from or modification of a modified duty assignment.

The City or department may place conditions as deemed appropriate upon any modified duty assignment.

e. Procedure

Employees may request assignment to modified duty by first submitting a written request for modified duty to their department head. At that point the department head or his/her designee will discuss potential modified duty assignments available and provide

employee with a list of these proposed assignments. Employee shall then provide this list to his/her health care provider for review and return a signed statement from their health care provider which indicates which of the suggested duties the employee is capable of safely performing and which would not be appropriate, as well as a statement describing the employee's restrictions, limitations, and expected duration of restrictions to their department head or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices. The City will provide to the employee the form or forms to be completed by the medical provider.

The department head will determine what modified duty assignments may be available based on the needs of the department or of the City, limitations of the employee, and suitability of the employee to work a particular assignment.

f. Modified Duty Schedules

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or department needs at the discretion of the department head. The employee and his/her supervisor should be informed in writing of the schedule, assignment, and any limitations or restrictions as determined by the employee's health care provider.

g. Accountability

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of assignment form.

Employees on modified duty are responsible for coordinating required doctor's visits and physical therapy appointments in advance with their supervisor to appropriately account of any time taken. Doctor's visits and appointments for treatment of injuries or illnesses shall be arranged during off duty time or otherwise charged to the employee's sick leave bank.

Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified duty assignment shall provide a health status report to his/her supervisor no less than once every thirty days while the employee is on modified duty.

Supervisors shall keep department head informed of the employee's status and ability to perform the modified duty assignment. Modified duty assignments that extend beyond 60 days require a written status report and a request for an extension to the department head with an update of the employee's current status and anticipated date of return to regular duty. Extensions require the approval of the department head.

When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the department head and complete and process a change of assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

h. Medical Examinations

The City reserves the right to require, prior to returning to full duty status, a fitness for duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the City and with a physician of the City's choosing.

Prior to returning to full duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

i. Pregnancy

It is the policy of the City to reassign employees who are pregnant upon request by the employee or when deemed necessary by the City to temporary assignment that will not routinely expose the employee to potentially hazardous environments or activities.

G. FAMILY MEDICAL LEAVE ACT (FMLA) POLICY

2. Eligibility Requirements.

To be eligible for FMLA benefits, prior to any leave request, the employee:

- must have worked for the employer for at least 12 months;
- must have worked at least 1,250 hours for the employer during the previous 12 months; and
- your employer must employ at least 50 employees or be a public agency of the federal, state, or local government.

The employee must meet all eligibility requirements before FMLA benefits will be extended him/her.

If your employment situation does not meet all of the qualifications set forth above, the subsequent FMLA policy, which is required by law to be included in our policy, does not apply to you.

3. Entitlements

The Family and Medical Leave Act (FMLA) provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible, covered employees for the following reasons: 1) birth and care of the eligible employee's child, or placement for adoption or foster care of a child with the employee; 2) care of an immediate family member (spouse, child, parent) who has a serious health condition; or 3) care of the employee's own serious health condition. It also requires that the employee's group health benefits be maintained during the leave. The 12-month period is determined using a "rolling" 12-month period measured backward to the date an employee first uses any FMLA leave.

If all eligibility requirements are met, the employee is covered under the FMLA. He/she may request up to 12 weeks of leave where the City of Bonners Ferry will continue the employee's benefits (employer portion only) during the leave period. If the employee does not return to work for reasons other than their own continued serious health condition or that of an eligible family member, the City of Bonners Ferry may recover from the employee the premium(s) that were paid for the employee's medical coverage.

Total FMLA leave for employee spouses/parents who both work for the City of Bonners Ferry is 12 weeks combined if the leave is for reasons other than the employee's own personal serious illness.

VIII. EMPLOYEE PERFORMANCE AND DISCIPLINE

A. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY

The purpose underlying the discipline/performance policy of Bonners Ferry is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK

Bonners Ferry adopts the following framework for actions to be taken in the event that any employee subject to this policy violates employment policies or fails to perform adequately. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. Bonners Ferry reserves the right to take any of the prescribed steps in any order in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step.

C. DISCIPLINARY ACTIONS AVAILABLE

The following actions are among the disciplinary steps that may be taken by the supervisor in response to personnel policy violations:

- Oral warning
- Written warning or reprimand
- Suspension without pay
- Probation
- Demotion
- Dismissal

D. OPPORTUNITY FOR HEARING—NAME-CLEARING HEARING OR HEARING BASED ON ALLEGATIONS OF UNLAWFUL DISCRIMINATION

All Bonners Ferry employees are AT-WILL employees. However, Bonners Ferry recognizes that even at-will employees may from time to time suffer from the adverse consequences of unlawful discrimination. Bonners Ferry also recognizes that a public employee who is being terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is entitled to a “Name-Clearing” hearing. The procedure for this hearing shall be that laid out below.

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. Issues of job performance or employee attitude are not the proper subject of this hearing procedure. Bonners Ferry does not condone discrimination on the basis of the foregoing unlawful categories. **FAILURE TO PURSUE A HEARING PURSUANT TO THIS POLICY SHALL CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY.**

The procedure to be followed in any such hearing, to be undertaken at the direction of a designated hearing officer and panel are as follows:

1. In order to be provided a hearing, the employee must, within fourteen (14) days of his/her termination or demotion, submit a written allegation of unlawful discrimination

or of termination based on dishonesty, immorality, or criminal misconduct. The request must state with particularity the basis for the requested hearing. Hearings filed untimely or failing to state a specific or legally recognized basis for the hearing will not be heard.

2. An employee alleging unlawful discrimination or entitlement to a name-clearing hearing shall be heard before the designated panel with the oral hearing to last no longer than two hours unless otherwise approved.
3. There shall be a record maintained of the proceeding; an audio recording of the hearing shall be considered a sufficient record. This recording shall be maintained by the City within the employee's personnel file.
4. The employee's supervisor or an appropriate administrative official of the City shall provide a brief written statement and documentation, if available, in response to the particular allegation of discrimination or misconduct. The designated hearing officer may request that the employee's supervisor participate in the oral hearing.
5. The employee shall have an opportunity to be represented by legal counsel at his/her own expense.
6. The employee shall be provided an opportunity to present evidence upon which the claim of discrimination or misconduct is based. This may include in person testimony or documentary evidence.
7. An employee alleging termination based on dishonestly, immorality, or criminal misconduct shall be provided the opportunity to refute any such allegations.
8. The hearing is not an opportunity for the employee to question or interrogate his supervisor or the panel. The panel shall consider all information presented by the employee and may ask questions for the purpose of clarification of any witness or of the employee, but shall not engage in a debate with the employee on the merits of the information.

The default designated hearing officer for this proceeding shall be the Mayor or his designee. The panel shall consist of at least three people including the hearing officer and not more than five people. A panel shall not include more than one councilperson and the Mayor, unless the full body of the City Council is chosen as the panel. If the full Council is the chosen panel, the hearing shall be agendized as a meeting per Idaho Code with the hearing taking place as an executive session. If the full Council is not utilized as the hearing panel, additional panel members shall be chosen by the designated hearing officer and may include the employee's supervisor or other administrative officials of the City.

Every such hearing shall take place as soon as it can be accommodated by the schedules of those involved and no more than fourteen days following the request by the employee. Additional time may be granted at the request of the employee upon a showing that additional time is needed to provide facts necessary to ~~respond to the charges.~~ present evidence on the alleged discrimination.

After conducting the hearing, ~~the Mayor or the responsible administrative officer~~ the hearing panel, shall consider the information submitted and such other information as might be in the city's records to arrive at a decision concerning the allegations. Said decision ~~shall set forth the reasons for the determination in writing~~ shall be in writing and provided to the employee. The written decision shall set forth the basis for the determination concerning the allegations

In the event of an unlawful discrimination proceeding, should the panel find that unlawful discrimination has occurred, the City shall take remedial steps to address the alleged

discrimination, which may include reinstatement of the employee if appropriate. A finding of no unlawful discrimination shall be a final decision.

In the event of a name-clearing hearing held on the basis of allegations of dishonesty, immorality, or criminal misconduct, the panel shall render a decision in writing, stating whether or not the employee's personnel records with the City shall reflect that the employee was terminated on the basis of dishonesty, immorality, or criminal misconduct. The written decision shall be maintained within the employee's personnel file. A name clearing hearing shall not result in reinstatement of an employee.

IX. DISCRIMINATORY WORKPLACE HARASSMENT POLICY AND COMPLAINT PROCEDURE

A. PURPOSE

The purpose of this Harassment Policy is to clearly establish the City's commitment to work to provide a work environment free from unlawful harassment, to define discriminatory harassment, and to set forth the procedures for investigating and resolving internal complaints of harassment. Because of the importance of a workplace free from unlawful harassment, this policy should be reviewed with each employee on a regular basis.

It is important that all employees treat all other employees and members of the public with decency and respect. It is the responsibility of each and every employee, supervisor and Department Head to prevent inappropriate behavior in the workplace. Inappropriate behavior which impacts the workplace, or has the potential to impact the workplace, will **not** be tolerated.

This Policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

B. POLICY

Harassment of an applicant for employment, a member of the public, or an employee by any employee of the City on the basis of race, color, religion, national origin, sex, age (40 and over) and disability is in violation of State and/or Federal law and will not be tolerated by Bonners Ferry.

Employees found to be participating in any form of employment-related unlawful harassment or retaliating against another employee for filing a complaint or cooperating with an investigation shall be subject to disciplinary action up to and including termination of employment.

C. RESPONSIBILITIES

The City: It is the responsibility of the City to develop this policy, provide training on this policy, keep it up to date, and to ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this Policy.

The City should designate an official who will be responsible for following the Complaint Procedures as set out in this policy. This official will be referred to as the "Designated Official."

Supervisors: It is the responsibility of supervisors to enforce the policy, to train new employees on the policy, to make a regular review with all employees to ensure they know the policy and to regularly check the workplace to make sure the policy is being followed.

If a supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he/she should take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, consult with the supervisor or a Department Head and take corrective or disciplinary action as appropriate. If the alleged discrimination, harassment or retaliation is not within the supervisor's area of responsibility or oversight, he/she should notify the Department Head or other appropriate management employee, who should then take prompt steps to address the allegation.

If unlawful harassment is reported or alleged, it must be followed up. No complaining party should be allowed to retract an allegation of unlawful harassment without proving that it was made erroneously. If a supervisor receives information that discrimination, unlawful harassment or retaliation might be occurring, he/she should follow the Complaint Procedure as set out in this policy below.

Employees: It is the responsibility of each and every employee to know this policy and to follow it. All City employees share the responsibility of understanding and preventing unlawful discrimination and harassment. But, ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated against or unlawfully harassed have the primary obligation of informing their supervisor, Department Head, Mayor, City Clerk or legal counsel for the City of the act of discrimination, unlawful harassment or retaliation, recounting specific actions or occurrences whenever possible. It is imperative that every employee treat every other employee and members of the public with decency and respect so as to facilitate a sound professional work environment.

C. DEFINITIONS

For purposes of clarification, unlawful harassment includes but is not limited to the following behaviors:

- 1. Verbal Harassment** – Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over) and disability whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually-oriented comments, including dress or physical features, sexual rumors, code words, and race-oriented stories, as well as jokes of a sexual or discriminatory nature or “kidding” which is oriented towards a prohibited form of harassment.
- 2. Physical Harassment** – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age (40 and over) and disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.
- 3. Visual Forms of Harassment** – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex, age (40 and over) and disability. This applies to both posted material and material maintained in or on Bonners Ferry equipment or personal property in the workplace.
- 4. Sexual Harassment** – Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably

interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

There are basically two types of sexual harassment:

"Quid pro quo" harassment, where submission to unlawful harassment is used as the basis for employment decisions.

Employee benefits such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Example: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.

"Hostile work environment," where the unlawful harassment creates an offensive and unpleasant working environment.

Hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, or the public. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

E. COMPLAINT PROCEDURE

The following complaint procedure will be followed in order to address a complaint regarding harassment, discrimination, or retaliation:

1. A person who believes he/she has been unlawfully harassed, discriminated or retaliated against should report it to their supervisor, Department Head, Mayor, City Clerk, or legal counsel for the City. If a supervisor becomes aware that unlawful harassment or discrimination is occurring in any city department as a result of an employee coming forward, the supervisor should immediately report it to a designated official pursuant to this policy. Once a complaint of unlawful harassment, discrimination or retaliation has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
2. Promptly upon receiving the complaint, the Designated Official should initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this Policy occurred.
3. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the Designated Official should review the complaint with the City Attorney, the City Clerk or Mayor.
4. The Designated Official, in conjunction with legal counsel for the City, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
5. The investigator will interview the complainant, the respondent, and any relevant witnesses to determine whether the conduct occurred.
6. As soon as practical, the investigator will conclude the investigation and submit a report of his or her findings to the Designated Official, who then will route it as appropriate.
7. If it is determined that unlawful harassment or discrimination in violation of the City's policy has occurred, the appropriate official will recommend the appropriate course of action to be taken by the City. The appropriate action will depend on the following factors:

- a. The severity, frequency and pervasiveness of the conduct;
 - b. Prior complaints made by the complainant;
 - c. Prior complaints made against the respondent; and
 - d. The quality of the evidence (first hand knowledge, credible corroboration, etc.).
8. If the investigation is inconclusive or it is determined that there has been no unlawful harassment or discrimination in violation of this Policy, but some potentially problematic conduct is revealed, corrective action may be taken.
 9. Promptly after the investigation is concluded, the supervisor(s) will meet with the complainant and the respondent separately in order to notify them in person of the findings of the investigation.
 10. The complainant and the respondent may submit statements to the supervisor(s) challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting with the supervisor(s) in which the findings of the investigation is discussed.
 11. Promptly after the supervisor(s) has met with both parties and reviewed the documentation, he or she will decide, after consultation with legal counsel, what action, if any, should be taken.

F. DISCIPLINARY ACTION

If unlawful harassment is determined to have occurred, the supervisor should take prompt and effective remedial action against the harasser. The action should be commensurate with the severity of the offense, up to and including termination of employment.

G. RETALIATION

Retaliation in any manner against a person for filing an harassment charge or initiating an harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action **up to and including termination**. The supervisor, Department Head and Mayor should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

H. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved.

I. FALSE COMPLAINTS

Any complaint made by an employee of the City regarding employment-based harassment which is conclusively proven to be false, should result in discipline. This discipline may include termination of employment. This section is not intended to discourage employees from making complaints regarding employment-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

J. DISTRIBUTION

This policy should be disseminated to all employees, supervisors and Elected Officials of the City. Any questions, concerns or comments related to this policy should be directed to the Department Head, City Clerk, Mayor, or City Attorney.

The position of City Clerk is appointed as the Designated Official for the purposes of this Policy.

X. SEPARATION FROM EMPLOYMENT

A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, Bonners Ferry reserves the right to reduce forces in such manner as it deems necessary to maintain the effective functioning of Bonners Ferry services. Decisions about the functions or positions to be reduced are not subject to the hearing procedure established by Bonners Ferry.

Reorganization initiated to make more efficient use of resources or to accommodate budgetary needs shall not be subject to the hearing procedure established by Bonners Ferry.

B. RETIREMENT POLICY

The retirement policy of Bonners Ferry shall comply in all respects with federal and state requirements respecting mandatory retirement and the obligations established by the Public Employee's Retirement System of Idaho (PERSI).

C. COBRA BENEFITS

Employees of Bonners Ferry who currently receive medical benefits, who separate their employment may be eligible to continue those medical benefits at the employee's sole cost and expense for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). If you have any questions regarding your right to continue your health coverage after separating from Bonners Ferry please contact City Clerk.

D. EXIT INTERVIEW

Each employee who terminates from employment with Bonners Ferry is encouraged to participate in an exit interview with the designated representative of the City, or in the event of involuntary termination with the personnel officer. In such interview, the employer should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee will be invited to inform the interviewer about his/her impressions of employment in such interview. An employee exit memo will be completed at this point whenever possible and will be retained in the employee's personnel file.

E. RESIGNATION POLICY

Voluntary resignations will generally be made in writing. If the employee wants their formal records to indicate "voluntary resignation", they must do so in writing to their supervisor or Department Head. Oral resignations will be documented by the supervisor after consultation with the elected official or Department Head in charge. Evidence of acceptance of a resignation should be provided to the ex-employee if possible. Employees who have an unexcused or unauthorized absence of three working days or more may be considered to have abandoned their position and therefore resigned.

XI. DRUG AND ALCOHOL TESTING POLICY

In recognition of the harmful effects that the use of illegal drugs and the misuse of alcohol or prescription drugs can have on employees in the workplace, the City of Bonners Ferry has a responsibility to its employees, and the public at large, to see that its employees are both drug and alcohol free while on duty. This responsibility comes in light of recent studies showing that employees who are under the influence of drugs or alcohol while on duty are more likely to cause accidents and injuries, both to themselves and co-workers, as well as the public at large. Therefore, the City of Bonners Ferry is reviewing and reaffirming this Drug and Alcohol Testing Policy that includes within its provisions those regulations relating to random periodic testing of all employees in a "safety-sensitive" position as hereinafter defined and to require drug testing of any employee when circumstances, as enumerated herein, may warrant

Implementation Schedule

This policy became effective April 1, 1996 and continues to apply to all prospective and current employees of this City.

Questions Regarding This Policy

The City hereby designates the City Clerk as the person responsible for answering employees' questions relating to the provisions of this policy.

Safety Sensitive Employees Defined

For the purpose of this policy, a "safety-sensitive" position is one in which:

- A. The duties involve a greater-than-normal level of trust for, responsibility for, or impact on the health and safety of the employee or others; and,
- B. Errors in judgment, inattentiveness or diminished coordination, dexterity, or composure while performing the duties could result in mistakes that would endanger the health and safety of the employee or others; and,
- C. Employees in these positions work with such independence that it cannot be safely assumed that mistakes such as those described in subsection (B) could be prevented by a supervisor or another employee.

Employees' Use of Alcohol

The City is committed to ensuring that all employees are not at work while under the influence of alcohol. Therefore, employees of this City are not to consume alcohol within four (4) hours of reporting to work. Employees are not to report to work or remain at work while having an alcohol concentration of .02 or greater. Employees are prohibited from using or possessing alcohol while they are on duty.

Possession, Use, Distribution of Illegal Drugs or Alcohol

The possession, use, purchase, or distribution of illegal drugs as defined or amended in Idaho Code (or drug paraphernalia) by an employee in a City vehicle, at a job site, on City property, or during work hours, is strictly prohibited. Any employee violating this prohibition will be immediately terminated from employment with the City.

This City has an absolute prohibition against an employee's use of illegal drugs both on and off the worksite. An employee's off duty illegal use, manufacture, purchase, possession, or

distribution of illegal drugs or drug paraphernalia, that results in criminal charges being brought against the employee, will result in the employee being requested to submit to drug testing and may result in the employee being suspended from work without pay. Any employee who is convicted of a criminal drug statute will be terminated from employment with the City.

Self-Referral

All employees of the City who consider themselves drug or alcohol dependent and who voluntarily identify themselves as such will be encouraged to get an evaluation by a State certified or recognized substance abuse counselor and seek treatment, if this is the counselor's recommendation. The City will provide informational assistance in locating professional substance abuse counseling to any employee who requests it.

Employees who undergo drug or alcohol rehabilitation will be expected to do so at their own expense (other than those expenses covered by the City insurance program), on their own time, or during a non-paid leave of absence, approved by the City. Arrangements may be made to allow an employee to use PTO during any such leave of absence.

Employees, who demonstrate successful progress, or completion of a recommended course of treatment, may return to work after taking and passing a drug and/or alcohol test with the recommendation of a State certified or recognized substance abuse counselor. Any such employee returning to work after treatment will be expected to comply with all aspects of this drug/alcohol testing policy. A request for rehabilitation may not be made in order to avoid the consequence of a positive drug result or to avoid taking a drug test when requested to do so under the terms of this policy.

A. TYPE OF DRUG AND ALCOHOL TESTING

Pre-Employment Testing

All prospective employees will take, and pass, a drug test as part of the application process. Furthermore, all prospective CDL operators must disclose to the City all previous employers for whom they have worked as an operator within the past two (2) years. The City will then request from those employers all information regarding any incidents where the prospective operator has tested positive for illegal drugs or alcohol, or refused to test within the last two (2) years. In the event that the City receives information from a past employer that the prospective operator has tested positive for drugs or alcohol within the last year, that prospective operator will not be offered employment, or his/her conditional employment will be terminated with the City. Operators must sign a consent form authorizing the City to conduct a check with each employer the operator has been employed with during the past two (2) years as an operator to determine if the operator has tested positive for illegal drugs or alcohol.

Any operator that is found to have previously tested positive for illegal drugs or alcohol and who is hired by the City must show that they have been evaluated by a substance abuse professional and were found to be non drug or alcohol dependent. The City will ensure that any follow-up tests of such operators are conducted as required by DOT regulations.

Random Testing

Safety sensitive employees will be subject to random drug and alcohol testing. Random selections will be made by a scientifically valid method that will result in each employee having an equal chance of being tested each time selections are made. Random testing for alcohol will take place during employee duty time.

Post-Accident

Any Employee involved in a work-related accident will be tested for use of illegal drugs and alcohol as soon as possible after the accident, but no later than two (2) hours in the case of alcohol, and no later than thirty two (32) hours in the case of illegal drugs. Examples of an accident that will require an employee to take a drug and alcohol test include, but are not limited to, accidents resulting in:

1. The death of a person;
2. Injury to another person requiring medical treatment;
3. An injury to the employee that may result in that employee filing a worker's compensation claim and whose lost time will likely exceed one working day;
4. Damage to property owned by the City, or third party, reasonably estimated to exceed \$750.00; or
5. Any accident which occurs while the employee is operating a City owned vehicle or equipment, regardless of damages or injuries.

Employees seriously injured and who cannot provide a specimen to testing will be required to authorize the release of relevant hospital reports, or other documentation, that would indicate whether there were drugs or alcohol in his/her system at the time of the accident. Any employee required to be tested under this section must remain readily available for such testing and such an employee may not consume alcohol within eight (8) hours of the accident.

Any employee who is involved in a work-related accident requiring medical attention is to inform his/her supervisor of the accident as soon as possible so that any needed drug or alcohol test may be promptly conducted in conjunction with the medical treatment.

Reasonable Cause

The City will require an employee to be tested for the use of alcohol, illegal drugs, or the use of prescription medication if an employee's physical appearance or pattern of behavior give City officials or the employee's supervisor acting in consultation with City officials, reason to believe the employee is impaired because of substance abuse which would endanger his/her well being, as well as the safety of fellow employees or the general public. The basis of suspicion indicating drug or alcohol abuse may be a specific, contemporaneous event, or conduct evidencing impairment observed over a period of time. The supervisor or official shall clearly document the basis of the suspicion. An employee who refuses to submit to testing will be terminated.

B. SPECIMEN COLLECTION PROCEDURES AND TEST RESULT NOTIFICATION

Adulteration or Submission of a Concealed Specimen

If, during the collection procedure, the collection monitor detects an effort by an employee to adulterate or substitute a specimen, a second specimen will be requested. If a second specimen is provided, that specimen will be tested. If the request for a second specimen is refused, altered, or substituted, the collection monitor will inform the city contact of the employee's refusal to submit a true specimen. Such conduct by the employee will be considered as a refusal to test.

In the event that a prospective or current employee submits a specimen that the laboratory later identifies as a diluted specimen, the City will advise the employee of that result and request that the employee submit a second specimen. The donor will be advised by the City not to drink any fluids prior to the test.

Drug/Alcohol Specimen Collection Procedures

All testing for illegal drugs will be done by the testing of an employee's urine specimen. All such testing will utilize the split specimen collection procedure. Under that procedure, each employee will have his/her urine specimen sealed in two separate containers and both sent to SAMHSA certified laboratory for testing. If employee's first specimen tests positive, that employee may request, within three (3) days of the positive notification, that the other specimen be tested at another SAMHSA laboratory. This second test will be done at the employee's expense unless the second test comes back negative. During the time the second specimen is being tested, that employee may be suspended without pay. Any employee who has a test come back negative will be given back pay for the time of the suspension.

All specimen collections will be conducted by personnel that have been instructed and trained in collection procedures. Any specimen that screens positive for the presence of illegal drugs will be confirmed by the Gas Chromatography/Mass Spectrometry (GC/MS) confirmation method.

All testing for alcohol will be by approved DOT procedures with qualified technicians.

Notification of Test Results

All drug test results will be forwarded to the City through Minert & Associates, Inc., as the representative of the Medical Review Officer (MRO). Prior to the City being informed that a prospective or current employee has tested positive for illegal drugs, the employee will be offered an opportunity to personally discuss the positive drug test with the MRO or his representative. The MRO will follow up on such information as is deemed appropriate.

Any employee who is taking a prescription drug that may have been the cause of a positive test result will be asked to provide the name of the medication and the identity of the prescribing physician for verification. If this is verified, the employee's test result will be reported as negative. If, after consideration of the matter, the MRO finds no reason to doubt the validity of the positive test, that result will be conveyed to the City contact.

Refusal

An employee may not refuse to take a drug/alcohol test when requested to do so, consistent with the terms of this policy. Such a refusal will be considered equivalent to testing positive for illegal drugs or alcohol. An employee will be considered as refusing to test if he/she expressly refuses to take a test, or otherwise fails to provide an adequate breath or urine sample without a valid medical explanation. Additionally, an employee will be considered as refusing to test if he/she engages in conduct that clearly obstructs the testing process, including willfully failing to meet post-accident testing requirements.

Effect of Testing Positive for Drugs or Alcohol

Any prospective employee who tests positive for illegal drugs will not be offered employment. Any current employee that tests positive for illegal drugs or alcohol will be terminated from further employment with the City.

For purposes of this policy, an employee tests positive for alcohol when that employee's blood alcohol concentration (BAC) is .04 or above. Any employee that twice tests between .02 and .039 in a year's time will be treated as the equivalent of testing positive for alcohol.

AUTHORIZATION BY COUNCIL AND MAYOR
APPROVED THIS DATE BY MOTION OF THE CITY COUNCIL

October 5, 2021 _____

DATE

Mayor

Adopted March 1, 2011; Revised October 5, 2021

Attested By: _____

Clerk

Date

XII. APPENDICIES

APPENDIX "A"- ACKNOWLEDGEMENT OF RECEIPT

ACKNOWLEDGMENT OF RECEIPT OF THE CITY OF BONNERS FERRY PERSONNEL POLICY

I, _____ acknowledge receipt of the City of Bonners Ferry Personnel Policy, adopted by the Bonners Ferry City Council on March 1, 2011, and revised on October 5, 2021.

I understand that it is my responsibility to read and review this Policy.

I understand that I am an at-will employee of the City of Bonners Ferry, that this Policy is not an employment contract, that none of the provisions of this Policy can create a contract and that the Policy is not a guarantee of any particular length or term of employment.

I understand that I am obligated to perform my duties of employment in conformance with the provisions of this Personnel Policy Manual and any additional rules, regulations, policies or procedures imposed by the department in which I work whether or not I choose to read the new Policy.

I understand that this Policy may be modified without prior notice to me.

I understand that should this Policy be modified that I will be provided with a copy of the modifications.

I understand that this Policy may be provided to me in either paper format or by electronic access.

DATED this _____ day of _____, 20__.

(Signature of Employee)

I, _____, provided a copy (either electronically or by paper) of the City of Bonners Ferry Personnel Policy, as adopted by the City Council on March 1, 2011, and revised on October 5, 2021, to _____, on this _____ day of _____, 20__.

(Name - Title - Department)

APPENDIX "B" TESTING CONSENT
CONTROLLED SUBSTANCE TESTING CONSENT FORM
DOT DRUG TESTING PROGRAM

As a condition of my employment with the City of Bonners Ferry, I consent to take a drug and/or alcohol test as required by the terms of the City's Substance Abuse Policy.

I understand that if I test positive for illegal drugs or alcohol I will be terminated from further employment with the City.

I further agree that in the event that I am involved in an on-the-job accident (as defined by the terms of the City's Substance Abuse Policy) I authorize the release of relevant hospital reports, or other documentation, that would indicate whether there were any illegal drugs or alcohol in my system at the time of the accident.

I consent to the release of my drug and alcohol test results received by Minert & Associates, Inc. as the representative of the Medical Review Officer, to management officials at the City of Bonners Ferry, and understand that those results will be held in confidence by them.

I have received, read, and understand the terms of the City of Bonners Ferry's Drug and Alcohol Testing Policy and agree to abide by those terms.

Employee's Name (print)

Employee's Signature

Date