

DEVELOPMENT

IMPACT

FEES

IC § 67-8201 et seq.

PARSED

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Development Impact Fees (DIFs)
A parsing of Idaho statutes, IC§ 67-8201 et seq.
by Mayor Gordon W. Petrie, JD

AUTHOR'S GENERAL COMMENTS

- This document is NOT a legal document, and it does NOT offer any legal advice. At best, consider this document as simply an overview of the statutory requirements set out CH 82, Title 67 of the Idaho Code, relating to Development Impact Fees, only rearranged differently.

- Any user of this document should always (1) review the actual statutory language in the Idaho Code covered herein to check for accuracy as used herein and (2) contact legal counsel for any legal questions.

- Throughout this document, “city” is substituted for the term “governmental entity” the latter term otherwise used in the statutory language; our governmental entity, of course, is a city.

- **IC§ 67-8203(14)** defines “governmental entity” as any unit of local government that is empowered in the [statute] to adopt a development impact fee ordinance. That includes cities.

- Specifically defined words per the statute are usually **bolded** herein throughout, even after defining them (specific statutory citations are bolded, as well). Other emphasized words are CAPITALIZED.

- All language from the various subsections of **IC§ 67-8204 [MINIMUM STANDARDS AND REQUIREMENTS]** is in blue.

- The reason for the blue for the above-referenced statutory section is because this writer considers such provision to be the baseline from which most, if not all, requirements for developing Development Impact Fee Ordinances at least radiate, if not emanate.

- Note: Roman numeral and capital letter information set out in the Index outline may contain less information than found in the actual text, which is intentional.

- At the end of this document is attached, as Appendix A, a copy of the definitions that are fully set out in the online version of the CH 82, Title 67, Idaho Code; not to be duplicative, since most of the terms are defined inside the document, but simply to have as a handy reference.

WHY THE LEGISLATURE CREATED DEVELOPMENT IMPACT FEES IN THE FIRST PLACE

IC§ 67-8202 sets out why the legislature added the statutory provisions in Chapter 82, Title 67 to the Idaho Code: The legislature finds that an equitable program for planning and financing **public facilities** needed to serve new growth and **development** is necessary in order to promote and accommodate orderly growth and **development** and to protect the public health, safety and general welfare of the citizens of the state of Idaho.

Based upon these findings, the legislature enacted Chapter 82 with the intent to

(1) Ensure that adequate **public facilities** are available to serve new growth and **development**;

(2) Promote orderly growth and **development** by establishing uniform standards by which local governments may require that those who benefit from new growth and **development** pay a **proportionate share** of the cost of new **public facilities** needed to serve new growth and **development**;

(3) Establish minimum standards for the adoption of **development impact fee ordinance** by government entities;

(4) Ensure that those who benefit from new growth and **development** are required to pay no more than their **proportionate share** of the cost of **public facilities** needed to serve new growth and **development** and to PREVENT DUPLICATE and *ad hoc* **development** requirements; and

(5) Empower governmental entities which are authorized to adopt ordinance to impose **development impact fees**.

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THE PARSING

I. TO BE OR NOT TO BE—OR TO DO

A. Proportionate share and costs of systems improvement.

- [IC§ 67-8204(1)] **Development Impact fees (hereinafter, DIFs)** shall NOT exceed a **proportionate share** of the **cost of systems improvement** determined IAW IC§ 67-8207.
- **DIFs** SHALL be based on actual **system improvement costs** or reasonable estimates of such costs.

B. What is an **impact fee**?

- According to IC§ 67-8203(15), it is interchangeable with **DIF**.
- **DIF** per IC§ 67-8203(9) means
 - A payment of money
 - Imposed as a condition of **development approval**
 - To pay for a **proportionate share**
 - Of the cost of **system improvements** needed to serve **development**.
- **Developmental approval** [IC§ 67-8203(8)] means any WRITTEN authorization from the city that authorizes the commencement of **development**.

C. What a **DIF** is NOT [per IC§ 67-8203(9)]:

- (a) A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for **development**;
- (b) Connection or hookup charges;
- (c) Availability charges for drainage, sewer, water, or transportation charges for services provided directly to the **development**; or
- (d) Amounts collected from a **developer** in a transaction in which the city has incurred expenses in constructing **capital improvements** for the **development** IF the owner or **developer** has agreed to be financially responsible for the construction or installation

of the **capital improvement** UNLESS a written agreement is made pursuant to **IC§ 67-8209(3)** for credit or reimbursement.

D. What is meant by **development**?

- **Development [IC§ 67-8203(7)]** means
 - Any construction or installation of a building or structure, or
 - Any change in use of a building or structure, or
 - Any change in the use, character or appearance of land, which creates additional demand and need for **public facilities**, or
 - the subdivision of property that would permit any change in the use, character or appearance of land.
- What **development** is NOT for purposes of **DIF [IC§ 67-8203(7) cont.]**
 - Activities that would otherwise be subject to payment of the **DIF** if such activities are undertaken by a taxing district, as defined by **IC 63-201 [IC§ 63-201(28)]** says “Taxing district means any entity or unit with the statutory authority to levy a property tax”], or
 - By an authorized public charter school, as defined in **IC§ 33-5202A**, in the course of carrying out its statutory responsibilities, UNLESS the adopted **DIF** ordinance (hereinafter, **DIFO**) expressly includes taxing districts or public charter schools as being subject to **DIFs**.
 - [Note: this appears to allow the Gem County Mosquito District and PR2TA to be covered in the **DIFO** IF WE SAY SO!]

E. **Systems improvements** means **capital improvements**

- **System improvements [IC§ 67-8203(28)]** (contrasted to **project improvements**) means **capital improvements to public facilities** designed to provide service to a **service area**, including, without limitation, the type of improvements described in **IC§ 50-1703** [the latter is the statute that confers power on city councils to make improvements to “infrastructure” such as streets, sidewalks, sewer, water, streetlights, landscaping, parks and parking facilities, and the like.]
- **Capital improvements [IC§ 67-8203(3)]** means improvements with a useful life of ten (10) years or more, by new construction or other action, which increase the service capacity of a **public facility**.
- **System improvement costs [IC§ 67-8203(29)]** means costs incurred for construction or reconstruction of **system improvements**, including
 - Design
 - Acquisition
 - Engineering; and
 - Other costs attributable thereto
 - And also include, without limitation, the type of costs described in **IC§ 50-1702(h)** to provide additional **public facilities** needed to serve new growth and **development**.
- **IC§ 50-1702(h)** covers costs and expenses, namely the contract price of all improvements, including:
 - Costs of making improvements within intersections

- Costs/expenses incurred for engineering, clerical, printing and legal services
- Costs for advertising, surveying, inspection of work, collection of assessments, interests upon bonds or warrants, and amounts of contingencies considered necessary by council.
- What **system improvement costs** do NOT include (per IC§ 67-8203(29))]:
 - (a) Construction, acquisition or expansion of **public facilities**, other than **capital improvements** identified in the **capital improvement plan (CIP)**;
 - (b) Repair, operation or maintenance of existing or new **capital improvement**;
 - (c) Upgrading, updating, expanding or replacing existing **capital improvements** to serve existing **development** in order to meet stricter safety, efficiency, environmental or regulatory standards;
 - (d) Upgrading, updating, expanding or replacing existing **capital improvements** to provide better service to existing **development**;
 - (e) Admin and operating costs of the city UNLESS such costs are attributable to development of the **CIP**, as provided in IC§ 67-8208; or
 - (f) Principal payments and interest or other finance charges or indebtedness EXCEPT financial obligations issued by or on behalf of the city to finance **capital improvements** identified in the **CIP**.
- **Project improvements [IC§ 67-8203(22)]** means site improvements and facilities that are planned and designed to provide service for a particular **development project** and that are necessary for the use and convenience of the occupants or users of the **project**.

F. What is a **CIP, proportionate share, public facilities** and **service area**?

- **Capital Improvements Plan [IC§ 67-8203(5)]** means a plan adopted pursuant to this chapter [CH 82, Title 67, Idaho Code] that identifies **capital improvements** for which **DIFs** may be used as a funding source.
- **Proportionate share [IC§ 67-8203(23)]** means that portion of the **cost of systems improvements** determined pursuant to IC§ 67-8207, which reasonably relates to the service demands and needs of the project
- **Public facilities [IC§ 67-8203(24)]** means
 - (a) water supply production, treatment, storage and distribution facilities;
 - (b) wastewater collection, treatment and disposal facilities;
 - (c) roads, streets and bridges, including rights-of-way, traffic signals, landscaping and local components of state or federal highways;
 - (d) stormwater collection, retention, detention, treatment and disposal facilities, flood control facilities and bank and shore protection and enhancement improvements;
 - (e) parks, open space and recreation areas, and related capital improvements; and
 - (f) public safety facilities including law enforcement, fire stations and apparatus, emergency medical and rescue, and street lighting facilities
- **Service area [IC§ 67-8203(26)]** means
 - Any defined geographic area identified by the city or by intergovernmental agreement
 - in which specific **public facilities** provide service or **development** within the area defined
 - on the basis of sound planning or engineering principles or both

II. HOW TO CALCULATE A **DIF**

A. Basis of the Calculation

- **[IC§ 67-8204(2)]** A **DIF** SHALL be calculated on the basis of **levels of service** for **public facilities** adopted in the **DIFO** of the city...
- that are applicable to existing **development** as well as new growth and **development**.

B. Level of service

- **Level of service** **[IC§ 67-8203(17)]** means a measure of relationship between service capacity and...
- service demand for **public facilities**.

C. Attribution to new **development**

- **[IC§ 67-8204(2) cont.]** The construction, improvement, expansion or enlargement of new or existing **public facilities** for which a **DIF** is imposed,
- must be attributable to capacity demands generated by new **development**.

III. TIMING FOR COLLECTION OF **DIFs**.

A. What **DIFOs** shall specify for the timing of collection

- **[IC§ 67-8204(3)]** A **DIFO** shall specify the point in the **development** process at which the **DIF** SHALL be collected.
- The **DIF** may be collected
 - No earlier than the commencement of construction of the **development**;
 - Or, the issuance of a building permit or a **manufactured home** installation permit;
 - Or as may be agreed by the **developer** and the city.

B. Definitions of specific bolded items above, *see*

- **Development**; *see* above, I. D. @ p.6;
- **Manufactured home** @ **IC§ 67-8203(18)**;
- **Developer** @ **IC§ 67-8203(6)**.

IV. THE DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE

A. **[IC§ 67-8204(4)]** A **DIFO** SHALL be adopted IAW the procedural requirements of **IC§ 67-8206**. *See also* **IC§ 67-8206(1)**.

B. First the CIP chicken, then the **DIFO** egg

- **[IC§ 67-8206(2)]** A **CIP** shall be developed in coordination with the **DIF** advisory committee (**DIFAC** hereinafter)
- utilizing the **land use assumptions** most recently adopted by the [city council].
- **IC§ 67-8203(16)** defines **land use assumptions** as “a description of the service area and projections of land uses, densities, intensities, and population in the **service area** over at least a twenty (20) year period.”

C. Makeup of the DIFAC

- **IC§ 67-8205** covers the makeup of the of the DIFAC. Such committee is an absolute requirement for adoption or enforcement of previously adopted **DIFs**: [**IC§ 67-8205(1)**] any city that is considering or that has adopted a **DIFO** SHALL establish a DIFAC.
- [**IC§ 67-8205(2)(a)**] The DIFAC SHALL be composed of not fewer than 5 members appointed by the city council, aka governing authority. *See IC§ 50-701.*
- [**IC§ 67-8205(2)(b)**] 2 or more members SHALL be active in the business of **development**, building, or real estate (DBRE, hereinafter).
- [cont. with **(2)(b)**] An existing planning or planning and zoning commission MAY serve as the DIFAC IF the commission includes 2 or more members who are active in the business of DBRE; otherwise, 2 such members who are NOT employees of a governmental entity shall be appointed to the DIFAC.
- [**IC§ 67-8205(2)(c)**] New appointments and reappointments to DIFAC on or after 1 July 2021 must
 - reside within the jurisdictional boundaries of the city;
 - 2 or more members SHALL be active in the business of DBRE;
 - 2 or more members SHALL NOT be active in the business of DBRE;
 - Employees or officials acting in their official capacity for the city may NOT be appointed to DIFAC;
 - An existing planning or planning and zoning commission may serve as the DIFAC IF requirements set out above are met;
 - Otherwise, 2 such members who are NOT employees or officials of a governmental entity shall be appointed to the committee until the membership requirements of **IC§ 67-8205(2)(c)** are met.
- [**IC§ 67-8205(3)**] The DIFAC shall serve in an **ADVISORY** capacity and is established to
 - (a) Assist the city in adopting **land use assumptions**;
 - (b) Review the **CIP**, and proposed amendments, and file **WRITTEN** comments;
 - (c) Monitor and evaluate implementation of the **CIP**;
 - (d) File periodic reports, at least **ANNUALLY**, with respect to the **CIP** and report to the city any perceived inequities in implementing the plan or imposing the **DIF**; and
 - (e) Advise the city of the need to update or revise **land use assumptions**, the **CIP** and **DIF**.
- [**IC§ 67-8205(4)**] The city SHALL make available to the DIFAC, upon request,
 - All financial and accounting information;
 - Professional reports in relation to other development and implementation of **land use assumptions**;
 - The **CIP**, including its periodic updates.

V. THE LONG ROAD TO PROPORTIONATE SHARE

A. How the developer can provide its own written an individual assessment.

- [**IC§ 67-8204(5)**] A **DIFO** SHALL include a **PROCESS** whereby the city SHALL allow the **developer**...
- upon **developer's** request to provide a **WRITTEN** individual assessment of the **proportionate share** of **DIFs**...

- under the guidelines established Ch. 82, Title 67, which SHALL be set forth in the ordinance.

B. What the city must consider and what the city must explain in its decision-making

- [IC§ 67-8204(5) cont.] The individual assessment process SHALL permit consideration of studies, data and any other relevant information submitted by the **developer** to adjust the amount of the fee.
- [IC§ 67-8204(5) cont.] The decision by the city on the application for the individual assessment SHALL include an explanation of the calculation of the **impact fee**,
 - including an explanation of factors considered under IC§ 67-8207,
 - and SHALL specify the **system improvements** for which the **DIF** is intended to be used.

C. IC§ 67-8207 sets out the **proportionate share** determination.

(1) [IC§ 67-8207(1)] tells us all **DIFs** SHALL be based on a REASONABLE and FAIR FORMULA or METHOD under which the **DIF** does NOT exceed a **proportionate share** of the costs incurred or to be incurred by the city in the provision of **system improvements** to serve the new **development**.

- [IC§ 67-8207(1) cont.] The **proportionate share** is the cost attributable to the new **development** AFTER the city considers the following:
 - Any appropriate credit, offset or contribution of money, dedication of land, or construction of **system improvements**;
 - Payments reasonably anticipated to be made by or as a result of a new **development** in the form of USER FEES and DEBT SERVICE PAYMENTS;
 - That portion of general tax and other revenues allocated by the city to **system improvements**.
 - All other available sources of funding such **system improvements**.

(2) [IC§ 67-8207(2)(a)-(h)] In determining the **proportionate share** of the cost of **system improvements** to be paid by the **developer**, the following factors SHALL be considered by the city in imposing the **DIF** and ACCOUNTED for in calculating the **DIF**:

- The cost of existing **system improvements** within the **service area(s)**;
- The means by which existing **system improvements** have been financed;
- The extent to which the new **development** will contribute to the cost of **system improvements** through
 - Taxation;
 - Assessment; or
 - **Developer/landowner** contributions, or
 - Has previously contributed to the cost of **system improvements** through **developer/landowner** contributions.
- The extent to which the new **development** is required to contribute to the cost of existing **system improvements** in the future.
- The extent to which the new **development** should be credited for providing **system improvements**, WITHOUT CHARGE to other properties within the **service area(s)**.
- **Extraordinary costs**, if any, incurred in serving the new **development**.

- [IC§ 67-8203(11)] states that “**extraordinary costs**” are those costs incurred as a result of an “**extraordinary impact**”.
- [IC§ 67-8203(12)] defines “**extraordinary impact**” as an impact that is reasonably determined by the city to
 - (a) result in the need for **system improvements**, the cost of which will significantly exceed the sum of the **DIF** to be generated from the **project** or the sum agreed to be paid pursuant to a **development** agreement as allowed by [IC§ 67-8214(2)]; or
 - (b) result in the need for **system improvements** that are NOT identified in the **CIP**.
- The time and price DIFFERENTIAL inherent in a FAIR comparison of fees paid at DIFFERENT times; and
- The availability of other sources of funding **system improvements**, including but NOT limited to
 - User charges;
 - General tax levies;
 - Intergovernmental transfers; and
 - Special taxation.
- [Note: this subsection also requires the following: “The city SHALL develop a plan for alternate sources of revenue.”]

VI. CERTIFICATION REQUIREMENT

A. **DIFOs** SHALL provide a process for **DIF** schedule

- [IC§ 67-8204(6)] A **DIFO** SHALL provide a process whereby a **developer** shall receive, upon request, a written certification of the **DIF** schedule or individual assessment for a particular **project**....
- [IC§ 67-8203(21)] defines “**project**” as a particular development on an identified parcel of land.

B. What the certification must establish and include

- [IC§ 67-8204(6) cont.] The **DIF** schedule certification SHALL establish the **DIF** so long as there is NO material change to the particular **project** as identified in the individual assessment application or **DIF** schedule.
- The certification SHALL include
 - An explanation of the calculation of the **DIF**;
 - Including an explanation of factors considered in IC§ 67-8207; and,
 - SPECIFY the **system improvement(s)** for which the **DIF** fee is intended to be used.

VII. [IC§ 67-8204(7)] A **DIFO** SHALL INCLUDE A PROVISION FOR CREDITS IAW THE REQUIREMENTS OF IC§ 67-8209].

A. **Present Value** per IC§ 67-8209.

- IC§ 67-8209 (1) In the calculation of **DIFs** for a particular **project**, credit or reimbursement shall be given for the **present value** of any
 - Construction of **system improvements**; or

- Contribution or dedication of land or money required by the city from the **developer** of **system improvements** of the category for which the **DIF** is being collected;
- Including such **system improvements** paid for pursuant to LIDs;
- But credit or reimbursement shall NOT be given for **project improvements**.
- IC§ 67-8203(20) defines **present value** as the total current monetary value of past, present or future payments, contributions or dedications of goods, services, materials, construction or money.

B. Credit for tax and user fee revenue generated per IC§ 67-8209(2).

- In the calculation of **DIFs** for a particular **project**, credit SHALL be given for the **present value** of all tax and user fee generated by the **developer** within the **service area** where the **DIF** is being assessed and used by the city for **system improvements** of the category for which the **DIF** is being collected.
- IF the amount of credit EXCEEDS the **proportionate share** for the particular **project** the **developer** shall receive a credit on future **DIFs** for the amount in excess of the **proportionate share**.
- The credit may be applied by the **developer** as an offset against future **DIFs** only in the **service area** where the credit was generated.

C. When the developer can choose reimbursement per IC§ 67-8209(3).

- IF a **developer** is required to construct, fund or contribute **system improvements** in excess of the **development project's proportionate share** of costs, including LID costs, the **developer** shall receive
 - a credit on future **DIFs**
 - or be reimbursed.
- The credit or reimbursement comes at the **developer's** choice for such excess construction, funding or contribution from **DIFs** paid by future **development**, which impacts the **system improvements** constructed, funded or contributed by the **developers** or **fee payer**.
- IC§ 67-8203(13) defines "**fee payer**" as that person who pays or is required to pay a **DIF**.

D. Credit or reimbursement requires a WRITTEN agreement per IC§ 67-8209(4).

- IF credit or reimbursement is due to the **developer** pursuant to IC§ 67-8209, the city SHALL enter into a WRITTEN agreement with the **fee payer**.
- This agreement must be negotiated in good faith PRIOR to construction, funding or contribution.
- The agreement SHALL provide for the amount of credit or the amount, time and form of reimbursement.

VIII. EARMARKING AND EXPENDITURE OF COLLECTED **DIFs**.

A. What the **DIFO** MUST prohibit

- [IC§ 67-8204(8)] A **DIFO** shall include a provision prohibiting the expenditure of **DIFs**
- EXCEPT IAW the requirements of IC§ 67-8210.

B. Earmarking.

(1) [IC§ 67-8210(1)] An ordinance imposing **DIFs** SHALL provide that all **DIF** funds SHALL be maintained in one (1) or more INTEREST-BEARING ACCOUNTS within the capital projects funds.

- Accounting records SHALL be maintained for EACH category of **system improvements** and the **service area** in which the fees are collected.
- Interest earned on the **DIF** SHALL be considered funds of the account on which it is EARNED and NOT funds subject to IC§ 57-127 [the Public Depository Law] and SHALL be subject to all restrictions placed on the use of **DIFs** under the provisions of CH 82, Title 67, Idaho Code.

(2) [IC§ 67-8210(2)] Expenditures of **DIFs** SHALL be made ONLY for the category of **system improvements** within or for the benefit of the **service area** for which the **DIF** was imposed as shown by the **CIP** and as authorized in this chapter (CH 82, Title 67, Idaho Code).

- **DIFs** SHALL NOT be used for any purpose other than **system improvement costs...**
 - to create additional improvements...
 - to serve new growth.

(3) [IC§ 67-8210(3)] As part of its annual audit process, cities SHALL prepare an annual report:

- Describing the amount of all **DIFs** collected, appropriated, or spent during the preceding year by CATEGORY of **public facility** and **service area**; and
- Describing the percentage of tax and revenue OTHER THAN **impact fees** collected, appropriated or spent for **system improvements** during the preceding year by category or **public facility** and **service area**.

(4) [IC§ 67-8210(4)] Collected **DIFs** MUST be expended within eight (8) years from the date they were collected, on a first-in, first-out (FIFO) basis.

- EXCEPTION: **DIFs** collected for wastewater collection, treatment and disposal and drainage facilities MUST be expended within twenty (20) years.
- Any funds NOT expended within the prescribed time SHALL BE REFUNDED pursuant to IC§ 67-8211.
- A city may hold the fees for longer than eight (8) years IF it identifies, IN WRITING
 - a reasonable cause why the fees should be held longer than eight (8) years; and
 - an anticipated date by which the fees will be expended by in no event greater than eleven (11) years from the date they were collected.

C. IC§ 67-8211 Refunds

(1) Any city which adopts a **DIFO** SHALL provide for refunds upon the request of an owner of property on which a **DIF** has been paid IF:

- Service is available but never provided;
- A building permit or permit for installation of a **manufactured home** is denied or abandoned [See IC§ 67-8203(18) for the definition of “**manufactured home**”];
- The city, after collecting the **DIF** when service is not available, has failed to appropriate and expend the collected **DIF** pursuant to IC§ 67-8210(4); or
- The **fee payer** pays a fee under protest and a subsequent review of the fee paid or the completion of an individual assessment determines that the fee paid EXCEEDED the **proportionate share** to which the city was entitled to receive.

(2) When the RIGHT to a refund exists, the city is REQUIRED to refund the owner of record within ninety (90) days AFTER it is determined by the city that a refund is due.

(3) A refund SHALL include a refund of interest at (one-half) 1/2 the legal rate provided for in **IC§ 28-22-104** from the date on which the fee was originally paid.

(4) Any person entitled to a refund SHALL have standing to sue for a refund under the provisions of this chapter IF there has NOT been a timely payment of a refund pursuant to subsection 2 of this section.

IX. DIFFERENT PROVISIONS ALLOWED IN **DIFOs** WTH CERTAIN CONDITIONS ATTACHED.

A. **DIFS** for costs AFTER adoption of the **DIFO**

- **[IC§ 67-8204(9)]** A **DIFO** may provide for the imposition of a **DIF** for **system improvement costs** incurred SUBSEQUENT to adoption of the ordinance...
- to the extent that new growth and **development** will be served by the **system improvements**.

B. What **DIFOs** MAY exempt.

- **[IC§ 67-8204(10)]** A **DIFO** may EXEMPT all or part of a particular **development** project from **DIFs** PROVIDED that such project is determined to create **affordable housing**.
- **[IC§ 67-8203(1)]** says “**affordable housing**” means housing affordable to families whose incomes do NOT exceed 80% of the median income for the **service area** within the jurisdiction of the city.
- Note: Such EXEMPTION may take place under this section ONLY if the public policy which supports the exemption is contained in the city’s comprehensive plan; and
- PROVIDED, the EXEMPT **development’s proportionate share** of **system improvements** is funded through a revenue source OTHER THAN **DIFs**.

C. What a **DIFO** MUST contain.

(1) **[IC§ 67-8204(11)]** A **DIFO** SHALL provide that **DIFs** SHALL only be spent for the category of **system improvements** for which the fees were collected, and

- either within, or
- for the benefit of the **service area** in which the **project** is located.

(2) **[IC§ 67-8204(12)]** A **DIFO** SHALL provide for a refund of **DIFs** IAW the requirements of **IC§ 67-8211**.

(3) **[IC§ 67-8204(13)]** A **DIFO** SHALL establish a procedure for timely processing of applications for determination by the city regarding **DIFs** applicable to a **project**, individual assessment of **DIFs**, credits or reimbursements to be allowed or paid under **IC§ 67-8209** and **extraordinary impact**.

(4) [IC§ 67-8204(14)] A **DIFO** SHALL specify when an application for an individual assessment of **DIFs** shall be permitted to be made by a **developer** or **fee payer**.

- [IC§ 67-8204(14) cont.] An application for an individual assessment of **DIFs** SHALL be permitted sufficiently in advance of the time that the **developer** or **fee payer** may seek a building permit or related permits will not be delayed.
- [See p. for **fee payer** definition]

(5) [IC§ 67-8204(15)] A **DIFO** SHALL provide for appeals regarding **DIFs** IAW the requirements of IC§ 67-8212.

(6) [IC§ 67-8204(16)] A **DIFO** MUST provide a detailed description of the METHODOLOGY by which costs per **service unit** are determined.

- IC§ 67-8203(27) defines **service unit** to mean a standardized measure of consumption, use, generation or discharge attributable to an individual unit of **development** calculated IAW generally acceptable engineering or planning standards for a particular category of **capital improvements**.
- [IC§ 67-8204(16) cont.] The **DIF** per **service unit** may NOT exceed the amount determined by dividing the costs of the **capital improvements** described in IC§ 67-8208(1)(f) by the total number of PROJECTED **service units** described in IC§ 67-8208(1)(g).
- IF the number of new **service units** projected over a reasonable period of time is LESS than the total number of NEW **service units** shown by the approved **land use assumptions** at full **development** of the **service area**, the maximum **DIF** per **service unit** SHALL be calculated by dividing the costs of the part of the **capital improvements** necessitated by and attributable to the projected new **service units** described in IC§ 67-8208(1)(g) by the total projected new **service units** described therein.

(7) [IC§ 67-8204(17)] A **DIFO** SHALL include a SCHEDULE of **DIFs** for various land uses per unit of **development**.

- The **DIFO** SHALL provide that a **developer** SHALL have the RIGHT to elect to pay a **project's proportionate share** of **system improvement costs** by payment of **DIFs** according to the fee schedule as full and complete payment of the **development's proportionate share** of **system improvement costs**...
- ...EXCEPT as provided in IC§ 67-8214(3), which states "Nothing in this chapter shall obligate a city to approve **development** which results in an **extraordinary impact**."

X. THE **CIP**, AKA A BRIDGE TOO FAR FOR AT LEAST 175 CITIES OUT OF 199 CITIES IN IDAHO (I.E., THOSE UNDER 5000 IN POPULATION)

A. [IC§ 67-8208(1)] Each city intending to impose a **DIF** SHALL prepare a **CIP**.

- That portion of the cost of PREPARING a **CIP** which is attributable to determining a **DIF** MAY BE FUNDED by a one (1) time *ad valorem* levy which does NOT exceed two one-hundredths per cent (.02%) of MARKET VALUE or by a surcharge imposed by ordinance on the collection of the **DIF** which surcharge does NOT exceed the **development's proportionate share** of the cost of preparing the plan.

- [Because the city is required to undertake comprehensive planning pursuant to CH 65, Title 67, Idaho Code] such **CIP** SHALL be prepared and adopted according to the requirements contained in the Local Planning Act, **IC§ 67-6509** and SHALL be included as an element of the comprehensive plan.
- The **CIP** SHALL be prepared by qualified professionals in fields RELATING to finance, engineering, planning and transportation.
- The persons preparing the plan SHALL consult with the DIFAC.

B. [IC§ 67-8208(1) cont. (a)-(k)] What the **CIP** must contain:

- (a) A general description of ALL EXISTING **public facilities** AND their EXISTING DEFICIENCIES within the **service area** or areas of the city and a reasonable estimate of ALL costs and a plan to develop funding resources related to curing the existing deficiencies, including, but NOT limited to
 - the upgrading,
 - updating,
 - improving,
 - expanding, or
 - replacing of such facilities...
 - to meet existing needs and usage;
- (b) A commitment by the city to use OTHER AVAILABLE sources of revenue to cure existing system deficiencies where practical;
- (c) Analysis of the total capacity, the level of current usage and commitments for usage of capacity of existing **capital improvements**, which SHALL be prepared by a qualified professional planner or by a qualified engineer licensed to perform engineering services in [Idaho];
- (d) A description of the **land use assumptions** by the city.
- (e) A DEFINITIVE TABLE establishing the specific level or quantity of use, consumption, generation or discharge of a **service unit** for EACH category of **systems improvements** and an EQUIVALENCY or CONVERSION TABLE establishing the ratio of **service unit** to various types of land uses, including
 - residential,
 - commercial,
 - agricultural, and
 - industrial;
- (f) A description of ALL **system improvements** and their costs necessitated by and attributable to new **development** in the **service area** based on the approved **land use assumptions** to provide a level of service NOT to exceed the **level of service** adopted in the **DIFO**;
- (g) The total number of **service units** necessitated by and attributed to the new **development** within the **service area** based on the approved **land use assumptions** and calculated IAW generally accepted engineering or planning criteria;
- (h) The projected demand for **system improvements** required by new **service units** projected over a reasonable period of time NOT to exceed twenty (20) years;
- (i) Identification of all sources and levels of funding available to the city for the financing of the **system improvements**;

(j) IF the proposed **system improvements** include improvement of **public facilities** under the jurisdiction of the State of Idaho or another governmental entity, then an agreement between governmental entities SHALL specify the reasonable share of funding by each unit,

- PROVIDED the governmental entity authorized to impose **DIFs** shall NOT assume more than its reasonable share of funding joint improvements
- NOR SHALL the agreement permit expenditure of **DIFs** by a governmental entity which is NOT authorized to impose **DIFs** UNLESS such expenditure is pursuant to a **developer agreement** under **IC§ 67-8214**; and

(k) A schedule setting forth estimated dates for commencing and completing construction of ALL improvements identified in the **CIP**.

C. **[IC§ 67-8208(2)]** The city imposing a **DIF** SHALL update the **CIP** at least once every five (5) years.

- The five (5) year period SHALL commence from the date of the original adoption of the **CIP**.
- The updating of the **CIP** SHALL be made IAW procedures set forth in **IC§ 67-8206**.

D. **[IC§ 67-8208(3)]** The city must ANNUALLY adopt a capital budget.

E. **[IC§ 67-8208(4)]** The **CIP** SHALL be updated in conformance with the provisions of **IC§ 67-8208(2)** each time the city proposes a **DIFO**...

- Amendment,
- Modification, or
- Adoption.

XI. PROCEDURE FOR THE IMPOSITION OF **DIFs**

A. **[IC§ 67-8206(1)]** As previewed in Part IV above, we are alerted to the requirement of following the procedures set out in **IC§ 67-8206**.

- [This section of CH 82, Title 67 of the Idaho Code sets out in detail the several “eggs” that must be fertilized, laid and hatched, before we see the first **DIFO** egg.]
- **[IC§ 67-8206(2)]** as noted above] A **CIP** SHALL be developed in coordination with the DIFAC utilizing the **land use assumptions** most recently adopted.

B. **[IC§ 67-8206(3)]** IF the city seeks to consider the adoption, amendment or repeal of the **CIP**, the city SHALL

- Hold at least one (1) PUBLIC hearing;
- The city SHALL PUBLISH a notice of the
 - time
 - place, and
 - purpose
- of the hearing(s) NOT fewer than fifteen (15) days and NO more than thirty (30) days BEFORE the scheduled date of the hearing
 - in a newspaper
 - of general circulation
 - within the jurisdiction of the city.

- Such notice SHALL also include a statement that the city SHALL make available to the public UPON REQUEST—the following:
 - the proposed **land use assumptions**;
 - a copy of the proposed **CIP** or amendments thereto;
 - and a statement that ANY member of the public AFFECTED by the **CIP** or amendments SHALL have the RIGHT TO APPEAR at the public hearing and PRESENT EVIDENCE regarding the proposed **CIP** or amendments.
- The city SHALL send notice of the intent to hold a public hearing by mail to any person who has REQUESTED IN WRITING, notification of the hearing date at least fifteen (15) days PRIOR to the hearing date;
- Provided that the city MAY require that the person making the request renew the request for notification, NOT more frequently than once each year, IAW a schedule determined by the city, in order to continue receiving such notices.

C. [IC§ 67-8206(4)] IF the city makes a MATERIAL change in the **CIP** or amendment, further notice and hearing MAY be provided BEFORE the city adopts the revision IF the city makes a finding that further notice and hearing are required in the public interest.

- [NOTE: this provision makes little sense in view of the “SHALL hold at least one (1) public hearing, etc....” in the language of IC§ 67-8206(3)]
- [IF the legislature meant a material change SINCE the publication of the original notice for the hearing, it should have stated it more clearly.]

D. Notice of Public Hearing to adopt a DIFO

- [IC§ 67-8206(5)] Either following or concurrently with adoption of the initial or amended **CIP**, the city shall conduct a public hearing of an ORDINANCE authorizing the imposition of **DIFs** or any amendment thereof.
- Notice of the hearing SHALL be provided in the same manner as set forth in IC§ 67-8206(3) for the adoption of the **CIP**.
- Such hearing at the option of the city MAY be combined with the public hearing held to adopt, amend or repeal the **CIP**.

E. **DIFO** law does NOT alter the procedure for adopting a city ordinance

- [IC§ 67-8206(6)] Nothing contained in this section [IC§ 67-8206] SHALL be construed to alter the procedures for adopting a city ordinance.
- However, a **DIFO** SHALL NOT be adopted as an emergency measure;
- But the [proposed] **DIFO** MAY be read for the 1st and 2nd times on successive days PRIOR to the public hearing to consider its adoption; and
- [the **DIFO**] SHALL NOT take effect sooner than thirty (30) days following its adoption.

XII. MISCELLANEOUS PROVISIONS TO MINIMUM STANDARDS AND REQUIREMENTS, PER IC§ 67-8204

A. Restrictions on increasing fees AFTER payment.

- [IC§ 67-8204(18)] After payment of the **DIFs** or execution of an agreement for payment of **DIFs** additional **DIFs** or increases in fees may NOT be assessed UNLESS the number of **service units** increases or the scope or schedule of the **development** changes.
- In the event of an increase in the number of **service units** or schedule of the **development** changes, the additional **DIFs** to be imposed are limited to the amount attributable to the additional **service units** or change in scope of the **development**.
- [IC§ 67-8204(19)] NO system for the calculation of **DIFs** SHALL be adopted which subjects any **development** to double payment of **DIFs**.

B. [IC§ 67-8204(20)] A **DIFO** SHALL EXEMPT from **DIFs** the following activities:

- (a) Rebuilding the same amount of floor space of a structure destroyed by fire or other catastrophe, PROVIDED the structure is rebuilt and ready for occupancy within two (2) years of its destruction;
- (b) Remodeling or repairing a structure which does NOT increase the number of **service units**;
- (c) Replacing a residential unit, including a **manufactured home**, with another residential unit on the same lot, PROVIDED that the number of **service units** does NOT increase;
- (d) Placing a temporary construction trailer or office on a lot;
- (e) Constructing an addition on a residential structure which does NOT increase the number of **service units**.
- (f) Adding uses that are typically accessory to residential uses such as tennis courts or clubhouse, UNLESS it can be clearly demonstrated that the use creates a significant impact on the capacity of **system improvements**.

C. **DIFs** imposed UNLESS SHOWN OTHERWISE

- [IC§ 67-8204(21)] A **DIF** will be assessed for installation of a **modular building**, **manufactured home** or **recreational vehicle** UNLESS the **fee payer** can demonstrate by documentation, such as utility bills and tax records, either:
 - (a) that a **modular building**, **manufactured home** or **recreational vehicle** was legally in place on the lot or space PRIOR to the effective date of the **DIFO**; or
 - (b) that a **DIF** has been paid PREVIOUSLY for the installation of a **modular building**, **manufacture home**, or **recreational vehicle** on that same lot or space.
- IC§ 67-8203(18) defines **manufactured home** [essentially a mobile home];
- IC§ 67-8203(19) defines **modular building** as one defined by IC§ 39-4301, which states @ subsection (10) “modular building” means any building or building component other than a **manufactured** or mobile home, that is, of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.
- IC§ 67-8203(25) defines “Recreational vehicle” as “a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

D. A **DIFO** SHALL ...

- (1) [IC§ 67-8204(22)] Include a process for dealing with a **project** that has **extraordinary impact**;
- (2) [IC§ 67-8204(23)] Provide for the calculation of a **DIF** IAW generally accepted accounting principles;
- (3) [IC§ 67-8204(23) cont.] NOT be deemed invalid because payment of the fee may result in an incidental benefit to owners or **developers** within the **service area** other than the **fee payer**;
- (4) [IC§ 67-8204(24)] Include a description of acceptable levels of service for **system improvements**;
- (5) [IC§ 67-8204(25)] Be null and void and such provision SHALL have NO legal effect where any provision of a DIFO is inconsistent with the requirements of CH 82, Title 67, Idaho Code.
- (6) [IC§ 67-8204(25) cont.] Note: A partial invalidity of a **DIFO** SHALL NOT affect the validity of the remaining portions of the ordinance that are consistent with the requirements of [CH 82, Title 67.]

E. Collections under a **DIFO** (IC§ 67-8213).

- IC§ 67-8213 states “a city may provide in a **DIFO** the means for collection of **DIFs**, including, but not limited to:
 - (1) Additions to the fee for reasonable interest and penalties for nonpayment or late payment;
 - (2) Withholding of the building permit or other governmental approval until the **DIF** is paid;
 - (3) Withholding of utility services until the **DIF** is paid; and,
 - (4) Imposing liens for forfeiture to timely pay a **DIF** following procedures contained in Chapter 5, Title 45, Idaho Code [**LIENS OF MECHANICS AND MATERIALMEN**]
- A city that discovers an error in its **DIF** formula that results in an assessment or payment of MORE than a **proportionate share** SHALL, at the time of the assessment on a case-by-case basis—
 - Adjust the fee to collect no more than a **proportionate share**, or
 - Discontinue the collection of any **DIF** until the error is corrected by ordinance.

XIII. INTERGOVERNMENTAL AGREEMENTS

A. What cities may do regarding fees.

- [IC§ 67-8204A] Cities and other governmental entities [i.e., any unit of local government that is empowered through CH 82, Title 67, Idaho Code] jointly affected by **development** may enter into intergovernmental agreements with each other or with—
 - Highway districts;
 - Fire districts;
 - Ambulance districts;
 - Water districts;
 - Sewer districts;
 - Recreational districts; or
 - Irrigation districts—

for the purpose of developing joint plans.

- [IC§ 67-8214] The joint plan must be for—
 - **Capital improvements**, or
 - For the purpose of agreeing to collect and expand **DIFs** for **system improvements**; or,
 - For both.
- PROVIDED that such agreement complies with any applicable state laws.

B. Cities are also authorized to enter into agreements with the Idaho Transportation Department (hereinafter, IDT) for the expenditure of **DIFs** pursuant to a **developer's** agreement under **IC§ 67-8214**.

XIV. OTHER POWERS AND RIGHTS NOT AFFECTED

A. Reasonable project improvements NOT prohibited.

- [IC§ 67-8214(1)] NOTHING in CH 82, Title 67, Idaho Code prevents cities from requiring a **developer** to construct reasonable **project improvements** in conjunction with a **development** project.
- [IC§ 67-8214(2)] NOTHING in CH 82, Title 67, Idaho Code SHALL be construed to prevent or prohibit private agreements between property owners or **developers**, IDT and cities in regard to
 - the construction or installation of **system improvements** or
 - providing for credits or reimbursements for **system improvement costs** incurred by a **developer**, including interproject transfers of credits, or
 - providing for reimbursement for **project improvements** which are used or shared by more than one (1) **development** project.
- [IC§ 67-8214(2) cont.] IF it can be shown that a proposed **development** has a direct impact on a **public facility** under the jurisdiction of IDT, then the agreement SHALL include a provision for the allocation of **DIFs** collected from the **developer** for the improvement of the **public facility** by IDT.

B. What CH 82, Title 67 does NOT do.

- [IC§ 67-8214(3)] NOTHING in CH 82, Title 67, Idaho Code shall obligate a city to approve **development** which results in an **extraordinary impact**.
- [IC§ 67-8214(4)] NOTHING obligates a city to approve a **development** request that may reasonably be expected to reduce **levels of service** below minimum acceptable levels established in the **DIFO**.
- [IC§ 67-8214(5)] NOTHING shall be construed to create any additional right to develop real property OR diminish the power of cities to regulate the ordinary **development** of real property within their boundaries.
- [IC§ 67-8214(6)] NOTHING shall work to limit the use of the city's power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for LIDs or general obligations on bond issues.
- [IC§ 67-8214(7)] NOTHING shall restrict or diminish the power of a city to
 - Annex property into its territorial boundaries, or
 - Exclude property from its territorial boundaries,

- Upon request of a **developer** or owner, or
- To impose reasonable conditions thereon,
- Including the recovery of **project** or **system improvements costs** required as a result of such voluntary annexation.

XV. TRANSITION

A. No implied repeal of existing laws allowing cities to require **capital improvements**.

- [IC§ 67-8215(1)] CH 82, Title 67 SHALL NOT be construed to repeal any existing laws authorizing a city to impose fees or require contributions or property dedications for **capital improvements**.
- [IC§ 67-8215(1) cont.] All ordinances imposing **DIFs** SHALL be brought into conformance with the provisions of CH 82, Title 67 within one (1) year after the effective date of this chapter.
- [IC§ 67-8215(1) cont.] AFTER adoption of a **DIFO**, IAW CH 82, Title 67, Idaho Code, notwithstanding any other provisions of law **development requirements** for **system improvements** SHALL be imposed by cities ONLY by way of **DIFs** imposed pursuant to and IAW the provisions of CH 82, Title 67, Idaho Code.

B. Pre-existing projects with valid building permits NOT affected by **DIFOs**.

- [IC§ 67-8215(2)] Notwithstanding any other provision of CH 82, Title 67, that portion of a project for which a valid building permit has been issued or construction has commenced prior to the effective date of the **DIFO**, SHALL NOT be subject to additional **DIFs**;
- [IC§ 67-8215(2) cont.] PROVIDED the building permit remains valid or construction is commenced and is pursued according to the terms of the permit or **development** approval.

XVI. APPEAL

A. The **DIFO** must provide for an appeal process.

- [IC§ 67-8212(1)] A city that adapts a **DIFO** SHALL provide for ADMINISTRATIVE appeals by the **developer** or **fee payer** from any discretionary action or inaction by or on behalf of a city.
- [IC§ 67-8212(2)] A **fee payer** may pay a **DIF UNDER PROTEST** in order to obtain a **development** approval or building permit.
 - A **fee payer** making such payment SHALL NOT be estopped from appeal;
 - Nor shall such **fee payer** be estopped from receiving a refund of any amount deemed to have been illegally collected.

B. The **DIFO** must provide for mediation.

- [IC§ 67-8212(3)] A city that adopts a **DIFO** SHALL provide for mediation by a qualified independent party, upon voluntarily agreement by the **fee payer** and the city, to address a disagreement related to the **DIF** for proposed development.
- [IC§ 67-8212(3) cont.] The **DIFO** SHALL provide that mediation may take place at ANY time during the appeals process and...
 - Participation in mediation does NOT preclude the **fee payer** pursuing other remedies provided in IC§ 67-8212.
 - But the **DIFO** SHALL provide that mediation costs will be SHARED EQUALLY by the **fee payer** and city.

APPENDIX A

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 82

DEVELOPMENT IMPACT FEES

67-8203. DEFINITIONS. As used in this chapter:

(1) "Affordable housing" means housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income for the service area or areas within the jurisdiction of the governmental entity.

(2) "Appropriate" means to legally obligate by contract or otherwise commit to use by appropriation or other official act of a governmental entity.

(3) "Capital improvements" means improvements with a useful life of ten (10) years or more, by new construction or other action, which increase the service capacity of a public facility.

(4) "Capital improvement element" means a component of a comprehensive plan adopted pursuant to chapter 65, title 67, Idaho Code, which component meets the requirements of a capital improvements plan pursuant to this chapter.

(5) "Capital improvements plan" means a plan adopted pursuant to this chapter that identifies capital improvements for which development impact fees may be used as a funding source.

(6) "Developer" means any person or legal entity undertaking development, including a party that undertakes the subdivision of property pursuant to sections 50-1301 through 50-1334, Idaho Code.

(7) "Development" means any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for public facilities or the subdivision of property that would permit any change in the use, character or appearance of land. As used in this chapter, "development" shall not include activities that would otherwise be subject to payment of the development impact fee if such activities are undertaken by a taxing district, as defined in section 63-201, Idaho Code, or by an authorized public charter school, as defined in section 33-5202A, Idaho Code, in the course of carrying out its statutory responsibilities, unless the adopted impact fee ordinance expressly includes taxing districts or public charter schools as being subject to development impact fees.

(8) "Development approval" means any written authorization from a governmental entity that authorizes the commencement of a development.

(9) "Development impact fee" means a payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development. This term is also referred to as an impact fee in this chapter. The term does not include the following:

(a) A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;

(b) Connection or hookup charges;
(c) Availability charges for drainage, sewer, water, or transportation charges for services provided directly to the development; or
(d) Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements, unless a written agreement is made pursuant to section 67-8209(3), Idaho Code, for credit or reimbursement.

(10) "Development requirement" means a requirement attached to a developmental approval or other governmental action approving or authorizing a particular development project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval.

(11) "Extraordinary costs" means those costs incurred as a result of an extraordinary impact.

(12) "Extraordinary impact" means an impact that is reasonably determined by the governmental entity to:

(a) Result in the need for system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by section 67-8214(2), Idaho Code; or

(b) Result in the need for system improvements that are not identified in the capital improvements plan.

(13) "Fee payer" means that person who pays or is required to pay a development impact fee.

(14) "Governmental entity" means any unit of local government that is empowered in this enabling legislation to adopt a development impact fee ordinance.

(15) "Impact fee." See development impact fee.

(16) "Land use assumptions" means a description of the service area and projections of land uses, densities, intensities, and population in the service area over at least a twenty (20) year period.

(17) "Level of service" means a measure of the relationship between service capacity and service demand for public facilities.

(18) "Manufactured home" means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban

development and complies with the standards established under 42 U.S.C. 5401 et seq.

(19) "Modular building" is as defined in section 39-4301, Idaho Code.

(20) "Present value" means the total current monetary value of past, present, or future payments, contributions or dedications of goods, services, materials, construction or money.

(21) "Project" means a particular development on an identified parcel of land.

(22) "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project.

(23) "Proportionate share" means that portion of the cost of system improvements determined pursuant to section 67-8207, Idaho Code, which reasonably relates to the service demands and needs of the project.

(24) "Public facilities" means:

(a) Water supply production, treatment, storage and distribution facilities;

(b) Wastewater collection, treatment and disposal facilities;

(c) Roads, streets and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways;

(d) Stormwater collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;

(e) Parks, open space and recreation areas, and related capital improvements; and

(f) Public safety facilities, including law enforcement, fire stations and apparatus, emergency medical and rescue, and street lighting facilities.

(25) "Recreational vehicle" means a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

(26) "Service area" means any defined geographic area identified by a governmental entity or by intergovernmental agreement in which specific public facilities provide service to development within the area defined, on the basis of sound planning or engineering principles or both.

(27) "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

(28) "System improvements," in contrast to project improvements, means capital improvements to public facilities designed to provide service to a service area including, without limitation, the type of improvements described in section 50-1703, Idaho Code.

(29) "System improvement costs" means costs incurred for construction or reconstruction of system improvements, including

design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in section 50-1702(h), Idaho Code, to provide additional public facilities needed to serve new growth and development. For clarification, system improvement costs do not include:

- (a) Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan;
- (b) Repair, operation or maintenance of existing or new capital improvements;
- (c) Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- (d) Upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development;
- (e) Administrative and operating costs of the governmental entity unless such costs are attributable to development of the capital improvements plan, as provided in section 67-8208, Idaho Code; or
- (f) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements identified in the capital improvements plan.

History:

[67-8203, added 1992, ch. 282, sec. 1, p. 861; am. 1996, ch. 366, sec. 1, p. 1226; am. 2002, ch. 347, sec. 1, p. 983; am. 2007, ch. 252, sec. 16, p. 753; am. 2008, ch. 389, sec. 1, p. 1068; am. 2019, ch. 70, sec. 1, p. 164; am. 2021, ch. 199, sec. 1, p. 546.]

CHECKLIST

FOR THE

DIFAC

AND ITS DUTIES

CHECKLIST FOR DIFAC AND ITS DUTIES

UNLESS otherwise indicated, the CORRECT answer is always "yes"

1. ____ Has the CIP been developed in coordination with the DIFAC? **IC§ 67-8206(2)**
2. ____ Did the DIFAC (and city staff) use the land use assumptions most recently adopted by the city council? **IC§ 67-8206(2)**
3. ____ Did the land use assumptions describe the service area and projections of land uses, densities, intensities, and population in the service area over at least a twenty (20) year period? **IC§ 67-8203(16)**
4. ____ Does the DIFAC have at least five (5) members appointed by the city council?
 - a. ____ Do all members of the DIFAC reside within the city limits?
 - b. ____ Are two (2) or more members active in the development, building or real estate?
 - c. ____ Are two (2) or more NOT active in development, building or real estate?
 - d. ____ Is an employee or official of the city on the DIFAC acting in an official capacity?

NOTE: If any answer to 4 or 4 "a" through "c", inclusive, is in the negative; or, if 4 "d" is in the affirmative, a violation of **IC§ 67-8205(3)** has occurred.

5. ____ Does the DIFAC serve in an advisory capacity only? **IC§ 67-8205(3)**
6. ____ Is the DIFAC established to...
 - a. ____ Assist the city in adopting land use assumptions?
 - b. ____ Review the CIP, its proposed amendments, and file written comments?
 - c. ____ Monitor and evaluate implementation of the CIP?
 - d. ____ File periodic reports, at least ANNUALLY, with respect to the CIP?
 - e. ____ And report to the city any perceived inequities in implanting the plan or imposition of the DIF?
 - f. ____ Advise the city of the need to update or revise land use assumptions, the CIP and DIF?

NOTE: Any answer in the negative to item 5 or 6 "a" through "f", inclusive, means the DIFAC is not meeting its statutory duties. **IC§ 67-8205(3)**.

CHECKLIST FOR DIFAC AND ITS DUTIES

7. ____ Does the city make available to the DIFAC upon request...

- a. ____ All financial and accounting information?
- b. ____ Professional reports in relation to other development and implementation of land use assumptions?
- c. ____ The CIP, including periodic updates?

NOTE: A negative answer to any item in 7 "a" through "c", inclusive, means the city has not met its statutory duties.

CHECK LIST FOR DIFO

1. _____ Has the DIFO been adopted IAW the procedural requirements of **IC§ 67-8206?**
IC§ 67-8204(4)
2. _____ Does the DIFO include a process whereby—
 - a. _____ The city allows the developer upon the developers written request to provide a written individual assessment of the proportionate share of DIFs? **IC§ 67-8204(5)**
 - b. _____ In the process, does the DIFO set out that such written individual request must be under the guidelines established in CH 82, Title 67, Idaho Code, and such is set forth in the ordinance? **IC§ 67-8204(5)**
3. _____ In making such provision, does the city consider and explain in any decision made on the matter that—
 - a. _____ The individual assessment process shall permit consideration of studies, data and any other relevant information submitted by the developer to adjust the amount of the fee? **IC§ 67-8204(5)**
 - b. _____ That the decision by the city on the application for the individual assessment SHALL specify the system improvements for which the DIF is intended to be used? **IC§ 67-8204(5)**
4. _____ Does the DIFO provide a process whereby a developer SHALL receive—upon request—a written certification of the DIF schedule or initial assessment for a particular project? **IC§ 67-8204(6)**
5. _____ Does the certification process establish AND include—
 - a. _____ That the DIF schedule certification establishes the DIF so long as there is NO material change to the particular project identified in the individual assessment application or DIF schedule? **IC§ 67-8204(6)**
 - b. _____ Does the certification include (1) an explanation of the calculation of the DIF; (2) including an explanation of factors considered in **IC§ 67-8207** (proportionate share determination); and (3) SPECIFY the system improvements for which the DIF fee is intended to be used? **IC§ 67-8204(6)**
6. _____ Does the DIFO include a provision for credits IAW the requirements of **IC§ 67-8209?** [See Checklist for DIFs, pp 3 & 4] **IC§ 67-8204(7)**
7. _____ Does the DIFO include a provision that prohibits the expenditure of DIFs except IAW the requirements of **IC§ 67-8210** (earmarking, etc.)? **IC§ 67-8204(8)**
8. _____ Does the DIFO imposing DIFs provide that...

CHECK LIST FOR DIFO

- a. ____ ALL DIF funds shall be maintained in one (1) or more INTEREST-BEARING accounts with the capital projects funds? **IC§ 67-8210(1)**
 - b. ____ Accounting records SHALL be maintained for EACH category of system improvements and the service area for which the fees are collected?
IC§ 67-8210(1)
 - c. ____ Interest earned on the DIF SHALL be considered funds of the account on which it is EARNED and NOT funds subject to **IC§ 57-127 [PUBLIC DEPOSITORY LAW]**? **IC§ 67-8210(1)**
 - d. ____ Such interest earned SHALL BE subject to all restrictions placed on the use of DIFs under the provisions of CH 82, Title 67, Idaho Code?
IC§ 67-8210(1)
 - e. ____ Expenditure of DIFs SHALL BE made ONLY for the category of system improvements within or for the benefit of the service area for which the DIF was imposed and shown by the CIP? **IC§ 67-8210(2)**
 - f. ____ DIFs SHALL NOT be used for any purpose other than system improvement costs (1) to create additional improvements (2) to secure new growth?
IC§ 67-8210(2)
9. ____ Does the DIFO provide REFUNDS if...
- a. ____ Service is available but never provided?
 - b. ____ A building permit or permit to install a manufactured home is denied or abandoned?
 - c. ____ The city, after collecting the DIF when service is NOT available, has failed to appropriate and expend the collected DIF pursuant to **IC§ 67-8210(4)**?
 - d. ____ The feepayer under protest and a subsequent review of the fee paid or the completion of an individual assessment determines that fee paid EXCEEDED the proportionate share of the city was entitled to receive?
- NOTE:** A negative answer to any of the above items means the DIFO violates Idaho Code. **IC§ 67-8211(1)**
10. ____ With regard to refunds provided for in the DIFO, does staff understand that...
- a. ____ When the right to a refund exists, the city is required to refund the owner of record within ninety (90) days AFTER the refund is due?
IC§ 67-8211(2)

CHECK LIST FOR DIFO

b. ____ A refund SHALL include a refund of interest of one-half (1/2) of the legal rate provided for in **IC§ 28-22-104** from the date on which the fee was originally paid? **IC§ 67-8211(3)**

c. ____ Any person entitled to a refund SHALL have standing to sue for a refund under the provisions of the DIFO law IF there has NOT been a timely payment of a refund per **IC§ 67-8211(2)**? **IC§ 67-8211(4)**

11. ____ Does the DIFO provide for the imposition of a DIF for system improvement costs incurred AFTER the adoption of the DIFO to the extent that new growth and development will be served by the system of improvements? **IC§ 67-8204(9)**

NOTE: There is no requirement to do so and it seems that new growth would have to be advancing at breakneck speed, but it is something to consider, nevertheless.

12. ____ Does the DIFO exempt all or part of a particular development project from DIFs...

a. ____ PROVIDED that such project is determined to create affordable housing IF the city's Comprehensive Plan supports the same; and

b. ____ PROVIDED the EXEMPT development's proportionate share of system improvements is funded through revenue sources OTHER than DIFs?

NOTE: This is permissible; NOT required. **IC§ 67-8204(10)**

13. ____ Does the DIFO provide...

a. ____ That the DIFs SHALL ONLY be spent for the category of system improvements for which the fees were collected either within for the benefit of the service area of the project? **IC§ 67-8204(11)**

b. ____ A provision for refunds IAW **IC§ 67-8211**? **IC§ 67-8204(12)**

c. ____ A provision that established (1) a procedure for timely processing of applications for determination by the city regarding DIFs applicable to a project; (2) individual assessment of DIFs; (3) credits or reimbursements to be allowed or paid under **IC§ 67-8209** and extraordinary impact? **IC§ 67-8204(13)**

d. ____ A provision that SPECIFIES when an application for an individual assessment of DIFs SHALL BE permitted to be made by a developer or fee payer? **IC§ 67-8204(14)**

e. ____ That any such specification of timing takes into account that an application

CHECK LIST FOR DIFO

for an individual assessment of DIFs SHALL BE permitted sufficiently in advance of the time that the developer or fee payer may seek a building permit or related permits will NOT be delayed? **IC§ 67-8204(14)**

- f. ____ A provision for appeals regarding DIFs IAW the requirements of **IC§ 67-8212? IC§ 67-8204(15)**
- g. ____ A provision that describes in detail that methodology by which costs per service unit are determined? **IC§ 67-8204(16)**
- h. ____ That such detailed provision ensure that the service unit does NOT exceed the amount determined by dividing the costs of capital improvements described in **IC§ 67-8208(1)(f)** by the total number of PROJECTED service units described in **IC§ 67-8208(1)(g)? IC§ 67-8204(16)**
- i. ____ That if the number of new service units projected of a reasonable period of time is LESS than the total number of NEW service units shown by the approved land use assumptions at full development of the service area, that the maximum DIF per service unit SHALL be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to the projected new service units described therein? **IC§ 67-8204(16)**
- j. ____ That there be included a schedule for DIFs for various land uses per unit of development? **IC§ 67-8204(17)**
- k. ____ That the developer SHALL have the right to elect to pay a project's proportionate share of system improvement costs by payment of DIFs according to the fee schedule as full and complete payment of the development's proportionate share of system improvement costs? **IC§ 67-8204(17)**

NOTE: Any negative answer to any item 13 "a" through "k", inclusive, means that portion of the DIFO violates Idaho law.

- 14. ____ Does staff understand that nothing in the DIFO law obligates the city to approve development which results in an extraordinary impact? **IC§ 67-8214(3)**
- 15. ____ In drafting the DIFO, does staff understand that...
 - a. ____ After payment of the DIFs or execution of an agreement for payment of DIFs, additional DIFs or increases in fees may NOT be assessed UNLESS the number of service units increases or the scope or schedule of the development charges? **IC§ 67-8204(18)**
 - b. ____ In the event of an increase in the number of service units or schedule of

CHECK LIST FOR DIFO

DIFs to be imposed are limited to the amount attributable to the additional service units or changes in scope of the development? **IC§ 67-8204(18)**

- c. ____ No system for the calculation of DIFs SHALL BE adopted which subjects any development to double payments for DIFs? **IC§ 67-8204(19)**

16. ____ Pursuant to **IC§ 67-8204(20)** does the DIFO EXEMPT the following activities from DIF payments?

- a. ____ Rebuilding the same amount of floor space of a structure destroyed by fire or other catastrophe PROVIDED the structure is built and ready for occupancy within two (2) years of its destruction?
- b. ____ Remodeling or repairing a structure which does NOT increase the number of service units?
- c. ____ Replacing a residential unit, including a manufactured home with another residential unit on the same lot, PROVIDED the number of service units does NOT increase?
- d. ____ Placing a temporary construction trailer or office on a lot?
- e. ____ Constructing an addition on a residential structure which does NOT increase the number of service units?
- f. ____ Adding uses that are typically accessory to residential uses such as tennis courts or clubhouses, UNLESS it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements?

CHECKLIST

FOR THE

CAPITAL

IMPROVEMENT

PLAN

CHECKLIST FOR CAPITAL IMPROVEMENT PLAN

UNLESS otherwise indicated, the CORRECT answer is always "YES"

1. ____ Has the plan been adopted pursuant to CH 82, Title 67, Idaho Code?
IC§ 67-8203(5)
2. ____ Does the plan identify those capital improvements for which the DIFs may be used as a funding source? **IC§ 67-8203(5)**
3. ____ Do the proposed capital improvements meet the requirement of improvements with a useful life of ten (10) or more years, either by new construction or other action, which increases the service capacity of a public facility? **IC§ 67-8203(3)**
4. ____ Do the proposed capital improvements meet the definitional requirement of system improvements, namely capital improvements to public facilities, designed to provide service to a service area, including, without limitation, the type of improvements described in **IC§ 50-1703**, such as, streets, sidewalks, sewer, water, street lights, landscaping, parks and parking facilities, commonly called "infrastructure"? **IC§ 67-8203(28)**
5. ____ Do the costs of the system improvements mean costs incurred for construction/reconstruction of system improvements including (a) design; (2) acquisition; (c) engineering; and, (d) other costs attributable thereto?
IC§ 67-8203(29)
6. ____ Do the costs of the system improvements also include the type of costs described in **IC§ 50-1702(h)**, that is, the contract price of ALL IMPROVEMENTS, including (a) costs of making improvements within intersections; (b) costs/expenses incurred for engineering, clerical, printing and legal services; (c) costs for advertising, surveying, inspection of work, collection of assessments, interests upon bonds or warrants, and amounts of contingencies considered necessary by the council?
IC§ 67-8203(29)
7. ____ Do the costs attributable to the **IC§ 50-1702(h)** items provide additional public facilities needed to serve new growth and development? **IC§ 67-8203(29)**
8. ____ Do the system (capital) improvement costs include any of the following:
 - a. ____ Construction, acquisitions or expansion of public facilities OTHER than capital improvements identified in the capital improvement plan (CIP)?
 - b. ____ Repair, operation or maintenance of EXISTING or NEW capital improvements?

CHECKLIST FOR CAPITAL IMPROVEMENT PLAN

- c. ____ upgrading, updating, expanding or replacing existing capital improvements to serve existing capital improvements existing development in order to meet stricter safety, efficiency environmental or regulatory standards?
- d. ____ Administrative and operating costs of the city UNLESS such costs are attributable to development of the CIP as provided by **IC§ 67-8208?**
- e. ____ Principal payments and interest or other finance charges or indebtedness EXCEPT financial obligations issued by or on behalf of the city to finance capital improvements identified in the CIP?

NOTE: This is where an affirmative answer is a bad thing. Any affirmative answer for any cost in 8. "a" through "e", inclusive, means that the cost does NOT meet the definition of a system (capital) improvement cost. **IC§ 67-8203(29)**

9. ____ Do any of the proposed improvements in the CIP include site improvements and facilities that are planned and designed to provide service for a particular development project and necessary for the use and convenience of the occupants or users of the project?

NOTE: An affirmative answer as to any such proposed improvements means it is a project improvement and NOT a system (capital) improvement. **IC§ 67-8203(22)**

10. ____ Do the "public facilities" that are the objects of the capital improvements meet at least one of the following criteria?

- a. ____ water supply production, treatment, storage and distribution?
- b. ____ wastewater collection, treatment and disposal?
- c. ____ roads, streets and bridges, including rights-of-way, traffic signals, landscaping and local components of state or federal highways?
- d. ____ stormwater collection, retention, detention treatment and disposal facilities, flood control facilities and bank and shore protection and enhancement improvements?
- e. ____ parks, open space and recreation areas, and related capital improvements?
- f. ____ public safety facilities including law enforcement, fire stations and apparatus, emergency medical and rescue, and street lighting facilities?

NOTE: If so, such any such facility meets the criteria for public facility for capital improvement purposes. **IC§ 67-8203(24)**

CHECKLIST FOR CAPITAL IMPROVEMENT PLAN

11. _____ Is the service area for which the system (capital) improvements are designed to serve—
- a. _____ a defined geographic area identified by the city or intergovernmental agreement?
 - b. _____ an area in which specific public facilities provide service or development within the area defined?
 - c. _____ is the service or development provided based upon sound planning or engineering principles or both?

NOTE: If all answers in 11 “a” through “c”, inclusive, are in the affirmative, the requirement for service area is statutorily met. **IC§ 67-8203(26)**

12. _____ Does the CIP contain—
- a. _____ A general description of ALL EXISTING public facilities?
 - b. _____ Does the general description of such public facilities include their existing deficiencies?
 - c. _____ Are these public facilities within the service area(s) of the city?
 - d. _____ A reasonable estimate of all costs along with a plan to develop funding sources related to curing the existing deficiencies given?
 - e. _____ Does the “fix” of existing deficiencies include (1) upgrading; (2) updating; (3) improving; (4) expanding; or (5) replacing such facilities to meet existing needs and usage?
 - f. _____ The city’s commitment in the CIP to use OTHER AVAILABLE sources of revenue to cure existing system deficiencies where practical?
 - g. _____ An analysis of the total capacity, the level of current and commitments for usage of capacity of existing capital improvements?
 - h. _____ Has such analysis been prepared by a qualified professional planner or qualified engineer, licensed to perform engineering services in Idaho?
 - i. _____ A description of the land use assumptions made by the city?
 - j. _____ A DEFINITIVE table establishing a specific level or quantity of use, consumption, generation or discharge of a service unit for each category of system improvements?

CHECKLIST FOR CAPITAL IMPROVEMENT PLAN

- k. ____ An EQUIVALENCY or CONVERSION table establishing the ratio of service unit to various types of land uses, including (1) residential; (2) commercial; (3) agricultural; (4) industrial?
- l. ____ A description of ALL SYSTEM improvements and their costs necessitated by and attributable to NEW development in the service area based on the approved land use assumptions?
- m. ____ Is the above description designed so as to provide a level of service NOT to exceed that level of service adopted in the DIFO?
- n. ____ The total number of service units necessitated by and attributed to the NEW development within the service area?
- o. ____ Is the above number based upon the approved land use assumptions?
- p. ____ Is the number calculated IAW generally accepted engineering or planning criteria?
- q. ____ The projected demand for system improvements required by NEW service units projected over a reasonable period of time NOT to exceed twenty (20) years?
- r. ____ Does the CIP contain an identification of all sources of funding available to the city for the financing of the system improvements?
- s. ____ Does the CIP contain a schedule setting forth established dates for commencing and completing construction of ALL improvements identified in the CIP?

NOTE: If your answer to any item in 12 "a" through "s", inclusive, is in the negative, the CIP does NOT meet statutory requirements. IC§ 67-8208(1)(a)-(k).

14. ____ Do the proposed system improvements include the improvement of public facilities under the jurisdiction of Idaho or another governmental entity, e.g., Gem County?

NOTE: If the answer to 14, above, is in the affirmative, then an agreement between the various governmental entities must be entered into. IC§ 67-8208(1)(j)

15. ____ Does any intergovernmental agreement requirement by IC§ 67-8208(1)(j)

- a. ____ Specify the reasonable share of funding by each unit?
- b. ____ Ensure that the governmental entity authorized to impose DIFs shall not assume more than its reasonable share of funding joint requirements?

CHECKLIST FOR CAPITAL IMPROVEMENT PLAN

- c. ____ Prohibit the expenditure of DIFs by a governmental entity which is NOT authorized to impose DIFs unless such expenditure is pursuant to a developer agreement under **IC§ 67-8214**?

NOTE: Any answer in the negative to 15 “a” through “c”, inclusive, means the intergovernmental agreement violates **IC§ 67-8208(1)(j)**.

16. ____ Is the CIP, from the date of its original adoption set up to—

- a. ____ Updated at least once every five (5) years IAW **IC§ 67-8206** [Procedure for imposition of DIFs]?
- b. ____ And updated in conformance with the provisions of **IC§ 67-8208(2)** each time the city proposes a DIFO adoption, amendment or modification?

NOTE: A negative answer to either item 16 “a” or “b” runs afoul of **IC§ 67-8208(2)** or **IC§ 67-8208(4)**.

17. ____ Does the city adopt an ANNUAL capital budget?

18. ____ Before adopting, amending or replacing the CIP, did the city—

- a. ____ Hold at least one public hearing?
- b. ____ Did the city publish notice of the time, place and purpose in the newspaper?
- c. ____ Was the published notice NO LESS than fifteen (15) days and NO MORE than thirty (30) days before the scheduled hearing?
- d. ____ Was the newspaper one of general circulation within the jurisdiction of the city? **IC§ 67-8206(3)**.

19. ____ Did the published notice relating to the CIP—

- a. ____ Include a statement that upon request the city would make available (1) the purposed land use assumptions; (2) a copy of the proposed CIP or its amendments; (3) and a statement that ANY member of the public AFFECTED by the CIP or amendments has the right to appear and present evidence?
- b. ____ [IF APPLICABLE] has the city sent notice of the intent to hold a public hearing by mail to any person who has requested in writing notification of the hearing at least fifteen (15) days prior to the hearing? **IC§ 67-8206(3)**.
- c. ____ Since the notice ran in the newspaper, has the city made a material change in the CIP or amendment?

CHECKLIST FOR CAPITAL IMPROVEMENT PLAN

- d. ____ If YES, has the council made a finding as to whether further notice and hearing is required?

NOTE: IF 19 "c" is YES, "d" should be YES or it becomes easy to attack the notice requirement AFTER a "material" change has made subsequent to the earlier notice. **IC§ 67-8206(4).**

20. ____ Was the CIP prepared and adopted according to the requirements contained in the Local Planning Act per **IC§ 67-8209** AND included as an element of the Comprehensive Plan? **IC§ 67-8208(1).**
21. ____ Was the CIP prepared by qualified professionals in those fields relating to finance, engineering, planning and transportation? **IC§ 67-8208(1).**
22. ____ Did those qualified professionals preparing the CIP consult with the DIFAC?

CHECKLIST
FOR CALCULATING
THE DIF
AND ITS
ANNUAL AUDIT

CHECKLIST FOR CALCULATING THE DIF AND ITS ANNUAL AUDIT

1. ____ Are the impact fees calculated on the basis on levels of service for public facilities adopted in the city DIFO? **IC§ 67-8204(2)**
2. ____ Does the level of service measure the relationship between the service capacity and service demand for the public facilities in question? **IC§ 67-8203(17)**
3. ____ Has it been determined that the construction, improvement, expansion or enlargements of new or existing public facilities for the DIF are attributable to capacity demands generated by new development? **IC§ 67-8204(2)**

4. ____ Is the DIF being proposed—
 - a. ____ A payment of money?
 - b. ____ Imposed as a condition of developmental approval?
 - c. ____ To pay for a proportionate share?
 - d. ____ Of the costs for system improvements needed to serve development?

NOTE: IF ALL answers in 4 “a” through “d”, inclusive are YES, the fee meets the statutory definition of a Development Impact Fee. **IC§ 67-8203(9)**

5. ____ Is the DIF being proposed—
 - a. ____ A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development?
 - b. ____ Connection or hookup fees?
 - c. ____ Availability charges for drainage, sewer, water, or transportation charges for services provided directly to the development?
 - d. ____ Amounts collected from a developer in a transaction in which the city has incurred expenses in constructing capital improvements for the development IF the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvement UNLESS a written agreement is made pursuant to **IC§ 67-8209(3)** for credit or reimbursement?

NOTE: If ANY answer for any charge or fee set out above in 5 “a” through “d”, inclusive, is in the affirmative, such fee or charge is NOT a DIF. **IC§ 67-8209(3)**

6. ____ Does the DIF exceed a proportionate share of the cost of system improvements determined IAW **IC§ 67-8207?**

CHECKLIST FOR CALCULATING THE DIF AND ITS ANNUAL AUDIT

NOTE: Here, the answer should be NO. If YES, a valid, lawful DIF does NOT exist. **IC§ 67-8204(1)**

7. ____ Is the DIF based on actual system improvement costs or a reasonable estimate thereof? **IC§ 67-8204(1)**
8. ____ Do the system improvements consist of capital improvements to public facilities? **IC§ 67-8203(28)**
9. ____ Are the public facilities referenced in checklist 8 above, designed to provide service to a service area? **IC§ 67-8203(25)**
10. ____ Are the system or capital improvements of the type described in **IC§ 50-1703** such as streets, sidewalks, sewers, water, streetlights, landscaping, parks and parking facilities?
11. ____ Is the proposed DIF based on a reasonable and fair formula or method under which the DIF does not exceed a proportionate share of the costs incurred or to be incurred by the city in the provision of system improvements to serve the new development? **IC§ 67-8207(1)**
12. ____ Does the formula or method treat the proportionate share as the cost attributable to the new development after consideration of—
 - a. ____ Any appropriate credit offset or contribution of money dedication of land or construction of system improvements?
 - b. ____ Payments reasonably anticipated to be made by or as a result of a new development in the form of USER FEES and DEBT SERVICE PAYMENTS?
 - c. ____ That portion of general tax and revenues allocated by the city to system improvements?
 - d. ____ All other available sources of funding such system improvements? **IC§ 67-8207(1)**
13. ____ Has the city, in determining the proportionate share of the costs of system improvements to be paid by the developer, taken into account the following factors:
 - a. ____ The cost of existing system improvements within the service areas?
 - b. ____ The means by which existing system improvements have been financed?
 - c. ____ The extent to which the new development will contribute to cost of system

improvements through (1) taxation; (2) assessment; (3) developer/landowner contributions; (4) or developer/landowner has contributed to the cost of the system improvements?

- d. ____ The extent to which the new development is required to contribute to the cost of existing system improvements in the future?
- e. ____ The extent to which the new development should be credited for providing system improvements WITHOUT CHARGE to other properties within the service area?
- f. ____ Extraordinary costs, if any, incurred in serving the new development.
- g. ____ The time and price DIFFERENTIAL inherent in a fair comparison of fees, paid at different times?
- h. ____ The availability of other sources of funding system improvements, including, but not limited to (1) user charges; (2) general tax levies; (3) intergovernmental transfers; (4) special taxation? **IC§ 67-8207(2)(a)-(h)**
- 14. ____ Has the city developed a plan for alternate sources of revenue as required by a statute? **IC§ 67-8207(2)(h)**
- 15. ____ In calculating the DIF for a particular project, did the city grant credit or reimbursement at present value—
 - a. ____ For construction of system improvements?
 - b. ____ Contribution or dedication of land or money required by the city from the developer of system improvements of the category for which the DIF is being collected?
 - c. ____ System improvements paid by LIDs? **IC§ 67-8209(1)**
- 16. ____ Did the city give credit or reimbursement for PROJECT improvements?
NOTE: The correct answer here is NO. IC§ 67-8209(1)
- 17. ____ In calculating the DIF for a particular project, did the city treat PRESENT VALUE as the total CURRENT monetary value of past, present or future payments, contributions or dedications of goods, services, materials, construction or money? **IC§ 67-8203(20)**
- 18. ____ In calculating the DIF for a particular project, was credit for tax and user fee revenue given as follows:

CHECKLIST FOR CALCULATING THE DIF AND ITS ANNUAL AUDIT

- a. ____ Given for the present value of all tax and user fees generated by the developer within the service area where the DIF was assessed and used by the city for system improvements of the category for which the DIF is being collected?
 - b. ____ If the amount of credit EXCEEDS the proportionate share for the particular project, does the city propose to grant the developer credit on future DIFs for the amount in excess of the proportionate share?
 - c. ____ If the credit is to be applied by the developer as an offset against future DIFs is the offset confined to the service area that generated the credit in the first place? **IC§ 67-8209(2)**
19. ____ In calculating the DIF, does the city allow the developer to choose reimbursement or credit on future DIFs where—
- a. ____ The developer is required to construct, fund or contribute system improvements in excess of the development project's proportionate share of costs, including LID costs?
 - b. ____ Does such choice of developer choosing reimbursement vs. credit apply to fee payers if the developer is NOT the fee payer? **IC§ 67-8209(3)**
20. ____ In calculating the DIF for a particular project—
- a. ____ If the credit or reimbursement due the developer per **IC§ 67-8209** did the city enter into a written agreement with the fee payer?
 - b. ____ Was such written agreement negotiated in good faith PRIOR to construction, funding or contribution?
 - c. ____ Did the agreement provide for the amount of credit or the amount, time and form of reimbursement?
21. ____ Before calculating the DIF, did the city prepare a CIP? **IC§ 67-8208 (1)**
22. ____ Does the city prepare an annual report on DIFs as part of its annual budget process? **IC§ 67-8210(3)**
23. ____ Does the annual report—
- a. ____ Describe the amount of all DIFs (1) collected; (2) appropriated (3) or spent during the preceding year? **IC§ 67-8210(3)**
 - b. ____ Does the above "a" include the (1) collection; (2) appropriation or (3) spending by category of public facility and service area?

IC§ 67-8210(3)

24. _____ Is the record keeping/auditing process set up in such a way to ensure the DIFs are expended within eight (8) years from the date of collection on a FIFO basis?
IC§ 67-8210(4)
25. _____ Does staff understand that—
- a. _____ DIFs collected for wastewater collection, treatment and disposal and drainage facilities must be expended within twenty (20) years?
- b. _____ Any funds NOT expended within the prescribed time SHALL BE REFUNDED pursuant to **IC§ 67-8211? IC§ 67-8210(4)**
26. _____ Does staff understand that a city may hold fees for longer than eight (8) years IF it IDENTIFIES IN WRITING—
- a. _____ A reasonable cause why the fees should be held longer than eight (8) years;
- b. _____ And an anticipated date by which the fees will be expended by in NO event greater than eleven (11) years from the date they were collected?
IC§ 67-8210(4)
27. _____ Does staff understand that pursuant to **IC§ 67-8204(21)**, a DIF will be assessed for the installation of a modular building, manufactured home or recreational vehicle UNLESS the fee payor can demonstrate by documentation (e.g., utility bills, tax records) that—
- a. _____ A modular building, manufactured home or recreational vehicle was legally in place on the lot or space prior to the effective date of the DIFO; or
- b. _____ That a DIF has been previously paid for the installation of the same on the same lot or space?
- c. _____ ...paid by the owners or developers within the service area other than the fee payer? **IC§ 67-8204(23)**
- d. _____ Include a description of acceptable levels of service for system improvements? **IC§ 67-8210(24)**
- e. _____ Include a partial invalidity provision that any part of the DIFO SHALL be null and void and that any such provision SHALL have NO legal effect where it is inconsistent with the provisions of CH 82, Title 67, Idaho Code.
IC§ 67-8210(4)
- f. _____ Does the “partial invalidity” provision also state that a partial invalidity of

CHECKLIST FOR CALCULATING THE DIF AND ITS ANNUAL AUDIT

the remaining provisions that comport with the law? **IC§ 67-8204(25)**

NOTE: Any NO answer to 17 “a” through “f”, inclusive, means the DIFO does NOT meet the requirements of **IC§ 67-8204(22)** through **(25)**.

18. _____ Does the DIFO, pursuant to **IC§ 67-8213**, provided the collections, including, but not limited to –
- a. _____ Additions to the fee for reasonable interest and penalties for the nonpayment or late payment?
 - b. _____ Withholding of the building permit or other governmental approval until the DIF is paid?
 - c. _____ Withholding utility services until the DIF is paid?
 - d. _____ Imposing liens for forfeiture to timely pay a DIF following procedures contained in Chapter 5, Title 45, Idaho Code [LIENS OF MECHANICS AND MATERIALMEN]?

NOTE: Such provisions are not required but they are ALLOWED under the law.

19. _____ Does city staff understand that pursuant to **IC§ 67-8213** if it discovers an error in the DIF formula that results in an assessment of payment of MORE than a proportionate share SHALL, at the time of the assessment in a case-by-case basis—
- a. _____ Adjust the fee to collected no more than a proportionate share?
 - b. _____ Or, discontinue the collection of ANY DIF until the error is corrected by ordinance?
20. _____ Does city staff understand that intergovernmental agreements are—
- a. _____ Covered by **IC§ 67-8204A**?
 - b. _____ For the purposes set out in **IC§ 67-8214**?
 - c. _____ And cities may also enter into the agreements with IDT for **IC§ 67-8214**?
21. _____ Does city staff understand that other powers and rights not affected by CH 82, Title 67, Idaho Code are set out in the various sections of **IC§ 67-8214**?

**IDAHO
DEVELOPMENT
IMPACT
FEE
ACT**

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 82
DEVELOPMENT IMPACT FEES

67-8201. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Development Impact Fee Act."

[67-8201, added 1992, ch. 282, sec. 1, p. 861.]

67-8202. PURPOSE. The legislature finds that an equitable program for planning and financing public facilities needed to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the state of Idaho. It is the intent by enactment of this chapter to:

(1) Ensure that adequate public facilities are available to serve new growth and development;

(2) Promote orderly growth and development by establishing uniform standards by which local governments may require that those who benefit from new growth and development pay a proportionate share of the cost of new public facilities needed to serve new growth and development;

(3) Establish minimum standards for the adoption of development impact fee ordinances by governmental entities;

(4) Ensure that those who benefit from new growth and development are required to pay no more than their proportionate share of the cost of public facilities needed to serve new growth and development and to prevent duplicate and ad hoc development requirements; and

(5) Empower governmental entities which are authorized to adopt ordinances to impose development impact fees.

[67-8202, added 1992, ch. 282, sec. 1, p. 861.]

67-8203. DEFINITIONS. As used in this chapter:

(1) "Affordable housing" means housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income for the service area or areas within the jurisdiction of the governmental entity.

(2) "Appropriate" means to legally obligate by contract or otherwise commit to use by appropriation or other official act of a governmental entity.

(3) "Capital improvements" means improvements with a useful life of ten (10) years or more, by new construction or other action, which increase the service capacity of a public facility.

(4) "Capital improvement element" means a component of a comprehensive plan adopted pursuant to chapter 65, title 67, Idaho Code, which component meets the requirements of a capital improvements plan pursuant to this chapter.

(5) "Capital improvements plan" means a plan adopted pursuant to this chapter that identifies capital improvements for which development impact fees may be used as a funding source.

(6) "Developer" means any person or legal entity undertaking development, including a party that undertakes the subdivision of property pursuant to sections 50-1301 through 50-1334, Idaho Code.

(7) "Development" means any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for public facilities or the subdivision of property that would permit any change in the use, character or appearance of land. As used in this chapter, "development" shall not include activities that would otherwise be subject to payment of the development impact fee if such activities are undertaken by a taxing district, as defined in section 63-201, Idaho Code, or by an authorized public charter school, as defined in section 33-5202A, Idaho Code, in the course of carrying out its statutory responsibilities, unless the adopted impact fee ordinance expressly includes taxing districts or public charter schools as being subject to development impact fees.

(8) "Development approval" means any written authorization from a governmental entity that authorizes the commencement of a development.

(9) "Development impact fee" means a payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development. This term is also referred to as an impact fee in this chapter. The term does not include the following:

(a) A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;

(b) Connection or hookup charges;

(c) Availability charges for drainage, sewer, water, or transportation charges for services provided directly to the development; or

(d) Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements, unless a written agreement is made pursuant to section 67-8209(3), Idaho Code, for credit or reimbursement.

(10) "Development requirement" means a requirement attached to a developmental approval or other governmental action approving or authorizing a particular development project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval.

(11) "Extraordinary costs" means those costs incurred as a result of an extraordinary impact.

(12) "Extraordinary impact" means an impact that is reasonably determined by the governmental entity to:

(a) Result in the need for system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by section 67-8214(2), Idaho Code; or

(b) Result in the need for system improvements that are not identified in the capital improvements plan.

(13) "Fee payer" means that person who pays or is required to pay a development impact fee.

(14) "Governmental entity" means any unit of local government that is empowered in this enabling legislation to adopt a development impact fee ordinance.

(15) "Impact fee." See development impact fee.

(16) "Land use assumptions" means a description of the service area and projections of land uses, densities, intensities, and population in the service area over at least a twenty (20) year period.

(17) "Level of service" means a measure of the relationship between service capacity and service demand for public facilities.

(18) "Manufactured home" means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq.

(19) "Modular building" is as defined in section 39-4301, Idaho Code.

(20) "Present value" means the total current monetary value of past, present, or future payments, contributions or dedications of goods, services, materials, construction or money.

(21) "Project" means a particular development on an identified parcel of land.

(22) "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project.

(23) "Proportionate share" means that portion of the cost of system improvements determined pursuant to section 67-8207, Idaho Code, which reasonably relates to the service demands and needs of the project.

(24) "Public facilities" means:

- (a) Water supply production, treatment, storage and distribution facilities;
- (b) Wastewater collection, treatment and disposal facilities;
- (c) Roads, streets and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways;
- (d) Stormwater collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;
- (e) Parks, open space and recreation areas, and related capital improvements; and
- (f) Public safety facilities, including law enforcement, fire stations and apparatus, emergency medical and rescue, and street lighting facilities.

(25) "Recreational vehicle" means a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

(26) "Service area" means any defined geographic area identified by a governmental entity or by intergovernmental agreement in which specific public facilities provide service to development within the area defined, on the basis of sound planning or engineering principles or both.

(27) "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

(28) "System improvements," in contrast to project improvements, means capital improvements to public facilities designed to provide service to a service area including, without limitation, the type of improvements described in section 50-1703, Idaho Code.

(29) "System improvement costs" means costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in section 50-1702(h), Idaho Code, to provide additional public facilities needed to serve new growth and development. For clarification, system improvement costs do not include:

- (a) Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan;
- (b) Repair, operation or maintenance of existing or new capital improvements;
- (c) Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- (d) Upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development;
- (e) Administrative and operating costs of the governmental entity unless such costs are attributable to development of the capital improvements plan, as provided in section 67-8208, Idaho Code; or
- (f) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements identified in the capital improvements plan.

[67-8203, added 1992, ch. 282, sec. 1, p. 861; am. 1996, ch. 366, sec. 1, p. 1226; am. 2002, ch. 347, sec. 1, p. 983; am. 2007, ch. 252, sec. 16, p. 753; am. 2008, ch. 389, sec. 1, p. 1068; am. 2019, ch. 70, sec. 1, p. 164; am. 2021, ch. 199, sec. 1, p. 546.]

67-8204. MINIMUM STANDARDS AND REQUIREMENTS FOR DEVELOPMENT IMPACT FEES ORDINANCES. Governmental entities which comply with the requirements of this chapter may impose by ordinance development impact fees as a condition of development approval on all developments.

(1) A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with section 67-8207, Idaho Code. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.

(2) A development impact fee shall be calculated on the basis of levels of service for public facilities adopted in the development impact fee ordinance of the governmental entity that are applicable to existing development as well as new growth and development. The construction, improvement, expansion or enlargement of new or existing public facilities for which a development impact fee is imposed must be attributable to the capacity demands generated by the new development.

(3) A development impact fee ordinance shall specify the point in the development process at which the development impact fee shall be collected. The development impact fee may be collected no earlier than the commencement

of construction of the development, or the issuance of a building permit or a manufactured home installation permit, or as may be agreed by the developer and the governmental entity.

(4) A development impact fee ordinance shall be adopted in accordance with the procedural requirements of section 67-8206, Idaho Code.

(5) A development impact fee ordinance shall include a process whereby the governmental agency shall allow the developer, upon request by the developer, to provide a written individual assessment of the proportionate share of development impact fees under the guidelines established by this chapter which shall be set forth in the ordinance. The individual assessment process shall permit consideration of studies, data, and any other relevant information submitted by the developer to adjust the amount of the fee. The decision by the governmental agency on an application for an individual assessment shall include an explanation of the calculation of the impact fee, including an explanation of factors considered under section 67-8207, Idaho Code, and shall specify the system improvement(s) for which the impact fee is intended to be used.

(6) A development impact fee ordinance shall provide a process whereby a developer shall receive, upon request, a written certification of the development impact fee schedule or individual assessment for a particular project, which shall establish the development impact fee so long as there is no material change to the particular project as identified in the individual assessment application, or the impact fee schedule. The certification shall include an explanation of the calculation of the impact fee including an explanation of factors considered under section 67-8207, Idaho Code. The certification shall also specify the system improvement(s) for which the impact fee is intended to be used.

(7) A development impact fee ordinance shall include a provision for credits in accordance with the requirements of section 67-8209, Idaho Code.

(8) A development impact fee ordinance shall include a provision prohibiting the expenditure of development impact fees except in accordance with the requirements of section 67-8210, Idaho Code.

(9) A development impact fee ordinance may provide for the imposition of a development impact fee for system improvement costs incurred subsequent to adoption of the ordinance to the extent that new growth and development will be served by the system improvements.

(10) A development impact fee ordinance may exempt all or part of a particular development project from development impact fees provided that such project is determined to create affordable housing, provided that the public policy which supports the exemption is contained in the governmental entity's comprehensive plan and provided that the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees.

(11) A development impact fee ordinance shall provide that development impact fees shall only be spent for the category of system improvements for which the fees were collected and either within or for the benefit of the service area in which the project is located.

(12) A development impact fee ordinance shall provide for a refund of development impact fees in accordance with the requirements of section 67-8211, Idaho Code.

(13) A development impact fee ordinance shall establish for a procedure for timely processing of applications for determination by the governmental entity regarding development impact fees applicable to a project, individ-

ual assessment of development impact fees, credits or reimbursements to be allowed or paid under section 67-8209, Idaho Code, and extraordinary impact.

(14) A development impact fee ordinance shall specify when an application for an individual assessment of development impact fees shall be permitted to be made by a developer or fee payer. An application for an individual assessment of development impact fees shall be permitted sufficiently in advance of the time that the developer or fee payer may seek a building permit or related permits so that the issuance of a building permit or related permits will not be delayed.

(15) A development impact fee ordinance shall provide for appeals regarding development impact fees in accordance with the requirements of section 67-8212, Idaho Code.

(16) A development impact fee ordinance must provide a detailed description of the methodology by which costs per service unit are determined. The development impact fee per service unit may not exceed the amount determined by dividing the costs of the capital improvements described in section 67-8208(1)(f), Idaho Code, by the total number of projected service units described in section 67-8208(1)(g), Idaho Code. If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee per service unit shall be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to the projected new service units described in section 67-8208(1)(g), Idaho Code, by the total projected new service units described in that section.

(17) A development impact fee ordinance shall include a schedule of development impact fees for various land uses per unit of development. The ordinance shall provide that a developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement costs, except as provided in section 67-8214(3), Idaho Code.

(18) After payment of the development impact fees or execution of an agreement for payment of development impact fees, additional development impact fees or increases in fees may not be assessed unless the number of service units increases or the scope or schedule of the development changes. In the event of an increase in the number of service units or schedule of the development changes, the additional development impact fees to be imposed are limited to the amount attributable to the additional service units or change in scope of the development.

(19) No system for the calculation of development impact fees shall be adopted which subjects any development to double payment of impact fees.

(20) A development impact fee ordinance shall exempt from development impact fees the following activities:

- (a) Rebuilding the same amount of floor space of a structure which was destroyed by fire or other catastrophe, providing the structure is rebuilt and ready for occupancy within two (2) years of its destruction;
- (b) Remodeling or repairing a structure which does not increase the number of service units;
- (c) Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, provided that the number of service units does not increase;
- (d) Placing a temporary construction trailer or office on a lot;

(e) Constructing an addition on a residential structure which does not increase the number of service units; and

(f) Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.

(21) A development impact fee will be assessed for installation of a modular building, manufactured home or recreational vehicle unless the fee payer can demonstrate by documentation such as utility bills and tax records, either:

(a) That a modular building, manufactured home or recreational vehicle was legally in place on the lot or space prior to the effective date of the development impact fee ordinance; or

(b) That a development impact fee has been paid previously for the installation of a modular building, manufactured home or recreational vehicle on that same lot or space.

(22) A development impact fee ordinance shall include a process for dealing with a project which has extraordinary impacts.

(23) A development impact fee ordinance shall provide for the calculation of a development impact fee in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in an incidental benefit to owners or developers within the service area other than the person paying the fee.

(24) A development impact fee ordinance shall include a description of acceptable levels of service for system improvements.

(25) Any provision of a development impact fee ordinance that is inconsistent with the requirements of this chapter shall be null and void and that provision shall have no legal effect. A partial invalidity of a development impact fee ordinance shall not affect the validity of the remaining portions of the ordinance that are consistent with the requirements of this chapter.

[67-8204, added 1992, ch. 282, sec. 1, p. 864; am. 1996, ch. 366, sec. 2, p. 1229; am. 2002, ch. 347, sec. 2, p. 986.]

67-8204A. INTERGOVERNMENTAL AGREEMENTS. Governmental entities as defined in section 67-8203(14), Idaho Code, that are jointly affected by development are authorized to enter into intergovernmental agreements with each other or with highway districts, fire districts, ambulance districts, water districts, sewer districts, recreational water and sewer districts, or irrigation districts for the purpose of developing joint plans for capital improvements or for the purpose of agreeing to collect and expend development impact fees for system improvements, or both, provided that such agreement complies with any applicable state laws. Governmental entities are also authorized to enter into agreements with the Idaho transportation department for the expenditure of development impact fees pursuant to a developer's agreement under section 67-8214, Idaho Code.

[67-8204A, added 1996, ch. 366, sec. 3, p. 1232; am. 2007, ch. 167, sec. 1, p. 496; am. 2021, ch. 95, sec. 1, p. 325.]

67-8205. DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE. (1) Any governmental entity that is considering or that has adopted a development impact fee ordinance shall establish a development impact fee advisory committee.

(2) (a) The development impact fee advisory committee shall be composed of not fewer than five (5) members appointed by the governing authority of the governmental entity.

(b) Two (2) or more members shall be active in the business of development, building, or real estate. An existing planning or planning and zoning commission may serve as the development impact fee advisory committee if the commission includes two (2) or more members who are active in the business of development, building, or real estate; otherwise, two (2) such members who are not employees or officials of a governmental entity shall be appointed to the committee.

(c) New appointments and reappointments to a committee on and after July 1, 2021, must comply with the provisions of this paragraph. All members must reside within the jurisdictional boundaries of the governmental entity. Two (2) or more members shall be active in the business of development, building, or real estate. Two (2) or more members shall not be in the business of development, building, or real estate. Employees or officials acting in their official capacity for a governmental entity may not be appointed as members of the committee. An existing planning or planning and zoning commission may serve as the development impact fee advisory committee for the governing authority if the commission includes two (2) or more members who are active in the business of development, building, or real estate and two (2) or more members who are not in such business; otherwise, two (2) such members who are not employees or officials of a governmental entity shall be appointed to the committee until the membership requirements of this subsection are met.

(3) The development impact fee advisory committee shall serve in an advisory capacity and is established to:

- (a) Assist the governmental entity in adopting land use assumptions;
- (b) Review the capital improvements plan, and proposed amendments, and file written comments;
- (c) Monitor and evaluate implementation of the capital improvements plan;
- (d) File periodic reports, at least annually, with respect to the capital improvements plan and report to the governmental entity any perceived inequities in implementing the plan or imposing the development impact fees; and
- (e) Advise the governmental entity of the need to update or revise land use assumptions, the capital improvements plan, and development impact fees.

(4) The governmental entity shall make available to the advisory committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, the capital improvements plan, and periodic updates of the capital improvements plan.

[67-8205, added 1992, ch. 282, sec. 1, p. 867; am. 2021, ch. 136, sec. 1, p. 382.]

67-8206. PROCEDURE FOR THE IMPOSITION OF DEVELOPMENT IMPACT FEES. (1) A development impact fee shall be imposed by a governmental entity in compliance with the provisions set forth in this section.

(2) A capital improvements plan shall be developed in coordination with the development impact fee advisory committee utilizing the land use assump-

tions most recently adopted by the appropriate land use planning agency or agencies.

(3) A governmental entity that seeks to consider adoption, amendment, or repeal of a capital improvements plan shall hold at least one (1) public hearing. The governmental entity shall publish a notice of the time, place and purpose of the hearing or hearings not fewer than fifteen (15) nor more than thirty (30) days before the scheduled date of the hearing, in a newspaper of general circulation within the jurisdiction of the governmental entity. Such notices shall also include a statement that the governmental entity shall make available to the public, upon request, the following: proposed land use assumptions, a copy of the proposed capital improvements plan or amendments thereto, and a statement that any member of the public affected by the capital improvements plan or amendments shall have the right to appear at the public hearing and present evidence regarding the proposed capital improvements plan or amendments. The governmental entity shall send notice of the intent to hold a public hearing by mail to any person who has requested in writing notification of the hearing date at least fifteen (15) days prior to the hearing date, provided that the governmental entity may require that any person making such request renew the request for notification, not more frequently than once each year, in accordance with a schedule determined by the governmental entity, in order to continue receiving such notices.

(4) If the governmental entity makes a material change in the capital improvements plan or amendment, further notice and hearing may be provided before the governmental entity adopts the revision if the governmental entity makes a finding that further notice and hearing are required in the public interest.

(5) Either following or concurrently with adoption of the initial or amended capital improvements plan, a governmental entity shall conduct a public hearing to consider adoption of an ordinance authorizing the imposition of development impact fees or any amendment thereof. Notice of the hearing shall be provided in the same manner as set forth in subsection (3) of this section for adoption of a capital improvements plan, and such hearing, at the option of the governmental entity, may be combined with the public hearing held to adopt, amend or repeal the capital improvements plan.

(6) Nothing contained in this section shall be construed to alter the procedures for adoption of an ordinance by the governmental entity. Provided, however, a development impact fee ordinance shall not be adopted as an emergency measure but may be read for the first and second times on successive days prior to the public hearing to consider its adoption and shall not take effect sooner than thirty (30) days following its adoption.

[67-8206, added 1992, ch. 282, sec. 1, p. 868; am. 2006, ch. 321, sec. 1, p. 1019.]

67-8207. PROPORTIONATE SHARE DETERMINATION. (1) All development impact fees shall be based on a reasonable and fair formula or method under which the development impact fee imposed does not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in the provision of system improvements to serve the new development. The proportionate share is the cost attributable to the new development after the governmental entity considers the following: (i) any appropriate credit, offset or contribution of money, dedication of land, or construction of system improvements; (ii) payments reasonably anticipated to be made by or as a result of a new development in the form of user fees and debt service

payments; (iii) that portion of general tax and other revenues allocated by the jurisdiction to system improvements; and (iv) all other available sources of funding such system improvements.

(2) In determining the proportionate share of the cost of system improvements to be paid by the developer, the following factors shall be considered by the governmental entity imposing the development impact fee and accounted for in the calculation of the impact fee:

- (a) The cost of existing system improvements within the service area or areas;
- (b) The means by which existing system improvements have been financed;
- (c) The extent to which the new development will contribute to the cost of system improvements through taxation, assessment, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions.
- (d) The extent to which the new development is required to contribute to the cost of existing system improvements in the future.
- (e) The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area or areas;
- (f) Extraordinary costs, if any, incurred in serving the new development;
- (g) The time and price differential inherent in a fair comparison of fees paid at different times; and
- (h) The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, inter-governmental transfers, and special taxation. The governmental entity shall develop a plan for alternative sources of revenue.

[67-8207, added 1992, ch. 282, sec. 1, p. 869; am. 1996, ch. 366, sec. 4, p. 1233; am. 2002, ch. 347, sec. 3, p. 989.]

67-8208. CAPITAL IMPROVEMENTS PLAN. (1) Each governmental entity intending to impose a development impact fee shall prepare a capital improvements plan. That portion of the cost of preparing a capital improvements plan which is attributable to determining the development impact fee may be funded by a one (1) time ad valorem levy which does not exceed two one-hundredths percent (.02%) of market value or by a surcharge imposed by ordinance on the collection of a development impact fee which surcharge does not exceed the development's proportionate share of the cost of preparing the plan. For governmental entities required to undertake comprehensive planning pursuant to chapter 65, title 67, Idaho Code, such capital improvements plan shall be prepared and adopted according to the requirements contained in the local planning act, section 67-6509, Idaho Code, and shall be included as an element of the comprehensive plan. The capital improvements plan shall be prepared by qualified professionals in fields relating to finance, engineering, planning and transportation. The persons preparing the plan shall consult with the development impact fee advisory committee.

The capital improvements plan shall contain all of the following:

- (a) A general description of all existing public facilities and their existing deficiencies within the service area or areas of the governmental entity and a reasonable estimate of all costs and a plan to develop the funding resources related to curing the existing deficiencies including, but not limited to, the upgrading, updating, improving, ex-

panding or replacing of such facilities to meet existing needs and usage;

(b) A commitment by the governmental entity to use other available sources of revenue to cure existing system deficiencies where practical;

(c) An analysis of the total capacity, the level of current usage, and commitments for usage of capacity of existing capital improvements, which shall be prepared by a qualified professional planner or by a qualified engineer licensed to perform engineering services in this state;

(d) A description of the land use assumptions by the government entity;

(e) A definitive table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of system improvements and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural and industrial;

(f) A description of all system improvements and their costs necessitated by and attributable to new development in the service area based on the approved land use assumptions, to provide a level of service not to exceed the level of service adopted in the development impact fee ordinance;

(g) The total number of service units necessitated by and attributable to new development within the service area based on the approved land use assumptions and calculated in accordance with generally accepted engineering or planning criteria;

(h) The projected demand for system improvements required by new service units projected over a reasonable period of time not to exceed twenty (20) years;

(i) Identification of all sources and levels of funding available to the governmental entity for the financing of the system improvements;

(j) If the proposed system improvements include the improvement of public facilities under the jurisdiction of the state of Idaho or another governmental entity, then an agreement between governmental entities shall specify the reasonable share of funding by each unit, provided the governmental entity authorized to impose development impact fees shall not assume more than its reasonable share of funding joint improvements, nor shall the agreement permit expenditure of development impact fees by a governmental entity which is not authorized to impose development impact fees unless such expenditure is pursuant to a developer agreement under section 67-8214, Idaho Code; and

(k) A schedule setting forth estimated dates for commencing and completing construction of all improvements identified in the capital improvements plan.

(2) The governmental entity imposing a development impact fee shall update the capital improvements plan at least once every five (5) years. The five (5) year period shall commence from the date of the original adoption of the capital improvements plan. The updating of the capital improvements plan shall be made in accordance with procedures set forth in section 67-8206, Idaho Code.

(3) The governmental entity must annually adopt a capital budget.

(4) The capital improvements plan shall be updated in conformance with the provisions of subsection (2) of this section each time a governmental en-

tity proposes the amendment, modification or adoption of a development impact fee ordinance.

[67-8208, added 1992, ch. 282, sec. 1, p. 869; am. 1996, ch. 322, sec. 71, p. 1098; am. 1996, ch. 366, sec. 5, p. 1233; am. 2002, ch. 347, sec. 4, p. 990.]

67-8209. CREDITS. (1) In the calculation of development impact fees for a particular project, credit or reimbursement shall be given for the present value of any construction of system improvements or contribution or dedication of land or money required by a governmental entity from a developer for system improvements of the category for which the development impact fee is being collected, including such system improvements paid for pursuant to a local improvement district. Credit or reimbursement shall not be given for project improvement.

(2) In the calculation of development impact fees for a particular project, credit shall be given for the present value of all tax and user fee revenue generated by the developer, within the service area where the impact fee is being assessed and used by the governmental agency for system improvements of the category for which the development impact fee is being collected. If the amount of credit exceeds the proportionate share for the particular project, the developer shall receive a credit on future impact fees for the amount in excess of the proportionate share. The credit may be applied by the developer as an offset against future impact fees only in the service area where the credit was generated.

(3) If a developer is required to construct, fund or contribute system improvements in excess of the development project's proportionate share of system improvement costs, including such system improvements paid for pursuant to a local improvement district, the developer shall receive a credit on future impact fees or be reimbursed at the developer's choice for such excess construction, funding or contribution from development impact fees paid by future development which impacts the system improvements constructed, funded or contributed by the developer(s) or fee payer.

(4) If credit or reimbursement is due to the developer pursuant to this section, the governmental entity shall enter into a written agreement with the fee payer, negotiated in good faith, prior to the construction, funding or contribution. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement.

[67-8209, added 1992, ch. 282, sec. 1, p. 871; am. 1996, ch. 366, sec. 6, p. 1235; am. 1999, ch. 291, sec. 10, p. 730; am. 2002, ch. 347, sec. 5, p. 991.]

67-8210. EARMARKING AND EXPENDITURE OF COLLECTED DEVELOPMENT IMPACT FEES. (1) An ordinance imposing development impact fees shall provide that all development impact fee funds shall be maintained in one (1) or more interest-bearing accounts within the capital projects fund. Accounting records shall be maintained for each category of system improvements and the service area in which the fees are collected. Interest earned on development impact fees shall be considered funds of the account on which it is earned, and not funds subject to section 57-127, Idaho Code, and shall be subject to all restrictions placed on the use of development impact fees under the provisions of this chapter.

(2) Expenditures of development impact fees shall be made only for the category of system improvements and within or for the benefit of the service area for which the development impact fee was imposed as shown by the capital improvements plan and as authorized in this chapter. Development impact fees shall not be used for any purpose other than system improvement costs to create additional improvements to serve new growth.

(3) As part of its annual audit process, a governmental entity shall prepare an annual report:

(a) Describing the amount of all development impact fees collected, appropriated, or spent during the preceding year by category of public facility and service area; and

(b) Describing the percentage of tax and revenues other than impact fees collected, appropriated or spent for system improvements during the preceding year by category of public facility and service area.

(4) Collected development impact fees must be expended within eight (8) years from the date they were collected, on a first-in, first-out (FIFO) basis, except that the development impact fees collected for wastewater collection, treatment and disposal and drainage facilities must be expended within twenty (20) years. Any funds not expended within the prescribed times shall be refunded pursuant to section 67-8211, Idaho Code. A governmental entity may hold the fees for longer than eight (8) years if it identifies, in writing:

(a) A reasonable cause why the fees should be held longer than eight (8) years; and

(b) An anticipated date by which the fees will be expended but in no event greater than eleven (11) years from the date they were collected.

[67-8210, added 1992, ch. 282, sec. 1, p. 871; am. 1996, ch. 366, sec. 7, p. 1236; am. 2002, ch. 347, sec. 6, p. 992; am. 2006, ch. 321, sec. 2, p. 1020.]

67-8211. REFUNDS. (1) Any governmental entity which adopts a development impact fee ordinance shall provide for refunds upon the request of an owner of property on which a development impact fee has been paid if:

(a) Service is available but never provided;

(b) A building permit or permit for installation of a manufactured home is denied or abandoned;

(c) The governmental entity, after collecting the fee when service is not available, has failed to appropriate and expend the collected development impact fees pursuant to section 67-8210(4), Idaho Code; or

(d) The fee payer pays a fee under protest and a subsequent review of the fee paid or the completion of an individual assessment determines that the fee paid exceeded the proportionate share to which the governmental entity was entitled to receive.

(2) When the right to a refund exists, the governmental entity is required to send a refund to the owner of record within ninety (90) days after it is determined by the governmental entity that a refund is due.

(3) A refund shall include a refund of interest at one-half (1/2) the legal rate provided for in section 28-22-104, Idaho Code, from the date on which the fee was originally paid.

(4) Any person entitled to a refund shall have standing to sue for a refund under the provisions of this chapter if there has not been a timely payment of a refund pursuant to subsection (2) of this section.

[67-8211, added 1992, ch. 282, sec. 1, p. 872; am. 2002, ch. 347, sec. 7, p. 993.]

67-8212. APPEALS. (1) A governmental entity which adopts a development impact fee ordinance shall provide for administrative appeals by the developer or fee payer from any discretionary action or inaction by or on behalf of the governmental entity.

(2) A fee payer may pay a development impact fee under protest in order to obtain a development approval or building permit. A fee payer making such payment shall not be estopped from exercising the right of appeal provided in this chapter, nor shall such fee payer be estopped from receiving a refund of any amount deemed to have been illegally collected.

(3) A governmental entity which adopts a development impact fee ordinance shall provide for mediation by a qualified independent party, upon voluntary agreement by the fee payer and the governmental entity, to address a disagreement related to the impact fee for proposed development. The ordinance shall provide that mediation may take place at any time during the appeals process and participation in mediation does not preclude the fee payer from pursuing other remedies provided for in this section. The ordinance shall provide that mediation costs will be shared equally by the fee payer and the governmental entity.

[67-8212, added 1992, ch. 282, sec. 1, p. 872; am. 1996, ch. 366, sec. 8, p. 1236.]

67-8213. COLLECTION. A governmental entity may provide in a development impact fee ordinance the means for collection of development impact fees, including, but not limited to:

(1) Additions to the fee for reasonable interest and penalties for non-payment or late payment;

(2) Withholding of the building permit or other governmental approval until the development impact fee is paid;

(3) Withholding of utility services until the development impact fee is paid; and

(4) Imposing liens for failure to timely pay a development impact fee following procedures contained in chapter 5, title 45, Idaho Code.

A governmental entity that discovers an error in its impact fee formula that results in assessment or payment of more than a proportionate share shall, at the time of assessment on a case by case basis, adjust the fee to collect no more than a proportionate share or discontinue the collection of any impact fees until the error is corrected by ordinance.

[67-8213, added 1992, ch. 282, sec. 1, p. 872; am. 2002, ch. 347, sec. 8, p. 993.]

67-8214. OTHER POWERS AND RIGHTS NOT AFFECTED. (1) Nothing in this chapter shall prevent a governmental entity from requiring a developer to construct reasonable project improvements in conjunction with a development project.

(2) Nothing in this chapter shall be construed to prevent or prohibit private agreements between property owners or developers, the Idaho transportation department and governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvement costs incurred by a developer

including interproject transfers of credits or providing for reimbursement for project improvements which are used or shared by more than one (1) development project. If it can be shown that a proposed development has a direct impact on a public facility under the jurisdiction of the Idaho transportation department, then the agreement shall include a provision for the allocation of impact fees collected from the developer for the improvement of the public facility by the Idaho transportation department.

(3) Nothing in this chapter shall obligate a governmental entity to approve development which results in an extraordinary impact.

(4) Nothing in this chapter shall obligate a governmental entity to approve any development request which may reasonably be expected to reduce levels of service below minimum acceptable levels established in the development impact fee ordinance.

(5) Nothing in this chapter shall be construed to create any additional right to develop real property or diminish the power of counties or cities in regulating the orderly development of real property within their boundaries.

(6) Nothing in this chapter shall work to limit the use by governmental entities of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement districts or general obligation bond issues.

(7) Nothing herein shall restrict or diminish the power of a governmental entity to annex property into its territorial boundaries or exclude property from its territorial boundaries upon request of a developer or owner, or to impose reasonable conditions thereon, including the recovery of project or system improvement costs required as a result of such voluntary annexation.

[67-8214, added 1992, ch. 282, sec. 1, p. 873; am. 1996, ch. 366, sec. 9, p. 1237.]

67-8215. TRANSITION. (1) The provisions of this chapter shall not be construed to repeal any existing laws authorizing a governmental entity to impose fees or require contributions or property dedications for capital improvements. All ordinances imposing development impact fees shall be brought into conformance with the provisions of this chapter within one (1) year after the effective date of this chapter. Impact fees collected and developer agreements entered into prior to the expiration of the one (1) year period shall not be invalid by reason of this chapter. After adoption of a development impact fee ordinance, in accordance with the provisions of this chapter, notwithstanding any other provision of law, development requirements for system improvements shall be imposed by governmental entities only by way of development impact fees imposed pursuant to and in accordance with the provisions of this chapter.

(2) Notwithstanding any other provisions of this chapter, that portion of a project for which a valid building permit has been issued or construction has commenced prior to the effective date of a development impact fee ordinance shall not be subject to additional development impact fees so long as the building permit remains valid or construction is commenced and is pursued according to the terms of the permit or development approval.

[67-8215, added 1992, ch. 282, sec. 1, p. 873.]

67-8216. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the 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 chapter.

[67-8216, added 1992, ch. 282, sec. 1, p. 873.]

CHAPTER 83

IDAHO FOOD QUALITY ASSURANCE INSTITUTE -- [REPEALED]

City of Emmett Council Meeting

April 12, 2022

The Emmett City Council held a regular meeting at 501 E. Main Street, Emmett, Idaho.
Mayor Petrie called the meeting to order at 7:00p.m.
Mayor Petrie led the **Pledge of Allegiance**
Lance Zagaris offered the **Community Invocation**

Council Present: Councilor Thomas Butler, Councilor Jody Harris, Councilor Gary Resinkin, Councilor Denise Sorenson

Council Present via telephone: Tona Henderson

Council absent: Council President Nebeker

Staff Present: Lyleen Jerome, Mike Knittel, Steve Kunka, Clint Seamons, Alyce Kelley, Brian Sullivan

Public Present:

Public Present via telephone: None

Amendments to the Agenda: None

Declaration of Conflicts of Interest: .

Declaration of Council Members' Discussion Outside an Open Meeting: None

ELECTED OFFICIALS:

Mayor –

Proclamations: Mayor Petrie proclaimed the week of April 17-23 as 2022 National Volunteer Week

City Council – None

Announcements and Good of the Order - None

CONSENT AGENDA:

Approval of Minutes March 22, 2022 Regular Meeting and March 29, 2022 Special Meeting

Approval of Accounts Payable

Approve Permits – Bartender Permits: Samantha Siple, Mackenzie Ozuna, Sheryll Goechner

Councilor Resinkin moved to approve **THE CONSENT AGENDA**. Seconded by Councilor Sorenson. The motion passed by **voice vote**.

DISCUSSION/INFORMATION UPDATES:

NON-CONSENT AGENDA

BUSINESS:

A. Clint Seamons, PW Director requests approval to purchase a Chevy Silverado 2500 Truck from Idaho Bureau of Federal Surplus in the amount of \$24,500. Councilor Henderson moved to **APPROVE THE PURCHASE OF THE CHEVROLET SILVERADO 2500 TRUCK FROM IDAHO BUREAU OF FEDERAL SURPLUS PROPERTY IN THE AMOUNT OF \$24,500**. Seconded by Councilor Resinkin. The motion passed by **voice vote**.

B. Approve payment to Idaho Bureau of Federal Surplus in the amount of \$24,500. Councilor Henderson moved to **APPROVE PAYMENT TO IDAHO BUREAU OF FEDERAL SURPLUS PROPERTY IN THE AMOUNT OF \$24,500**. Seconded by Councilor Resinkin. The motion passed by **voice vote**.

C. Clint Seamons, PW Director requests approval of amended and restated lease agreement between the City of Emmett and William P. Geer, Sheri Slade-Geer and Jeff Eckberg. Councilor Henderson moved to **APPROVE AMENDED AND RESTATED LEASE AGREEMENT BETWEEN THE CITY OF EMMETT AND WILLIAM P. GEER, SHERI SLADE-GEER AND JEFF ECKBERG WITH THE MAYOR TO SIGN**. Seconded by **Councilor Resinkin**. The motion passed by **Roll Call vote – AYES** Councilor Butler, Councilor Harris, Councilor Sorenson, Councilor Henderson, Councilor Resinkin. **NOES**-None

D. Clint Seamons, PW Director requests approval of Hangar Lease Agreement between Ryan Stinson and City of Emmett. Councilor Henderson moved to **APPROVE HANGAR LEASE AGREEMENT BETWEEN RYAN STINSON AND THE CITY OF EMMETT WITH MAYOR TO SIGN**. Seconded by Councilor Resinkin. Motion passed by **Roll Call vote** Councilor – **AYES**-, Councilor Butler, Councilor Harris, Councilor Resinkin, Councilor Sorenson, Councilor Henderson. **NOES** – None

E. Clint Seamons, PW Director requests approval of hangar lease agreement between C&C Aircraft Property Management LLC and the City of Emmett. Councilor Sorenson moved to approve the **TERMINATION OF HANGAR LEASE AGREEMENT BETWEEN C&C AIRCRAFT PROPERTY MANAGEMENT LLC AND THE CITY OF EMMETT WITH THE MAYOR TO SIGN**. Seconded by Councilor Henderson. Motioned passed by **Roll Call Vote - AYES**- Councilor Butler, Councilor Harris, Councilor Resinkin, Councilor Sorenson, Councilor Henderson. **NOES** – None

F. Steve Kunka, Police Chief, requests approval to accept donation funds in the amount of \$2,000 from Emmett Area Crime Prevention. Councilor Sorenson moved to approve **ACCEPTING DONATION FUNDS IN THE AMOUNT OF \$2,000 FROM EMMETT AREA CRIME PREVENTION**. Seconded by Councilor Harris. Motion Passed by **voice vote**.

City of Emmett Council Meeting

April 12, 2022

G. Lyleen Jerome, City Clerk requests approval of the 2022-2023 Gem County and the City of Emmett Dispatch Funding Agreement. Councilor Henderson moved to **APPROVE THE 2022-2023 GEM COUNTY/CITY OF EMMETT DISPATCH FUNDING AGREEMENT IN THE AMOUNT OF \$74,566.02 WITH THE MAYOR TO SIGN**. Seconded by Councilor Resinkin. Motion passed by **roll call vote**. **AYES-** Councilor Butler, Councilor Henderson, Councilor Harris, Councilor Resinkin, Councilor Sorenson. **NOES -0**

DEPARTMENT/ ACTIVITY REPORTS

- A. **Building Official/City Planner** – Reported
- B. **Clerk** – Lyleen Jerome, City Clerk – Reported
- C. **Fire** – Curt Christensen, Fire Chief– Absent
- D. **Library** – Alyce Kelley, Director– Reported
- E. **Police** - Steve Kunka, Police Chief– Reported
- F. **Public Works** – Clint Seamons, Public Works Director– Reported
- G. **Systems Administrator** – Mike Knittel, IT Systems Director– Reported
- H. **Engineer** - None

Councilor Sorenson moved to ADJOURN, Seconded by Councilor Resinkin. The motion was passed by **voice vote**.

Meeting Adjourned 7:28 p.m.

Mayor Gordon Petrie

Lyleen Jerome, City Clerk



CITY OF EMMETT

Bartender Permit Checklist

Applicant Name MICAELA CANTRELL

Date Application Received 03/28/22 By SJ

- ☒ New Application ☐ Renewal Application
- ☒ Application Notarized
- ☒ Fingerprint Receipt Attached (New only)
- ☒ Background receipt (New only)
- ☒ Copy of Driver's License Attached
- ☒ Permit Fee Paid
- ☒ Temporary Permit Language added to Receipt (New only)

Police Department

☒ Fingerprint Results Attached (New only) 4/15/22

☒ Background Check _____

Emmett Police Name/Records Check

Gem County Sheriff's Name/Records Check

Other

Date Requested: 4/14/22

Date Completed: 4-14-22

[Signature]
Completed by

[Signature]
Chief of Police

City Council

☐ Added to Council Agenda for approval

City Council Approved Yes ☐ No ☐ _____
Council Date

Official Permit

☐ Created _____

☐ Mailed _____



CITY OF EMMETT

Bartender Permit Checklist

Applicant Name DANNIE FROST

Date Application Received 03/28/22 By SJ

- ☒ New Application ☐ Renewal Application
- ☒ Application Notarized
- ☒ Fingerprint Receipt Attached (New only)
- ☒ Background receipt (New only)
- ☒ Copy of Driver's License Attached
- ☒ Permit Fee Paid
- ☒ Temporary Permit Language added to Receipt (New only)

Police Department

- ☒ Fingerprint Results Attached (New only) 4/15/22
- ☒ Background Check _____

Emmett Police Name/Records Check

Gem County Sheriff's Name/Records Check

Other

Date Requested: _____ Date Completed: 4-14-22

[Signature]
Completed by

[Signature]
Chief of Police

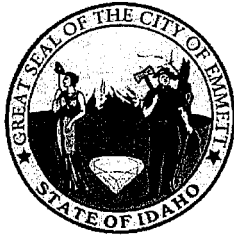
City Council

- ☐ Added to Council Agenda for approval

City Council Approved Yes ☐ No ☐ _____
Council Date

Official Permit

- ☐ Created _____
- ☐ Mailed _____



CITY OF EMMETT

Bartender Permit Checklist

Applicant Name REAGEN FROST

Date Application Received 04/06/22 By SJ

- ☒ New Application ☐ Renewal Application
- ☒ Application Notarized
- ☒ Fingerprint Receipt Attached (New only)
- ☒ Background receipt (New only)
- ☒ Copy of Driver's License Attached
- ☒ Permit Fee Paid
- ☒ Temporary Permit Language added to Receipt (New only)

Police Department

- ☒ Fingerprint Results Attached (New only) 4/18/22
- ☒ Background Check _____

_____ Emmett Police Name/Records Check
_____ Gem County Sheriff's Name/Records Check
_____ Other

Date Requested: 9/1/22 Date Completed: 4-18-22
Completed by [Signature] Chief of Police [Signature]

City Council

- ☐ Added to Council Agenda for approval

City Council Approved Yes ☐ No ☐ _____
Council Date

Official Permit

- ☐ Created _____
- ☐ Mailed _____



CITY OF EMMETT

Bartender Permit Checklist

Applicant Name VANESSA RICHELLE JOHNSON

Date Application Received 04/07/22 By SJ

- ☒ New Application ☐ Renewal Application
- ☒ Application Notarized
- ☒ Fingerprint Receipt Attached (New only)
- ☒ Background receipt (New only)
- ☒ Copy of Driver's License Attached
- ☒ Permit Fee Paid
- ☒ Temporary Permit Language added to Receipt (New only)

Police Department

- ☒ Fingerprint Results Attached (New only) 4/15/22
- ☒ Background Check _____

Emmett Police Name/Records Check

Gem County Sheriff's Name/Records Check

Other

Date Requested: _____ Date Completed: 4-14-22

[Signature]
Completed by

[Signature]
Chief of Police

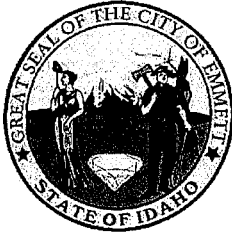
City Council

- ☐ Added to Council Agenda for approval

City Council Approved Yes ☐ No ☐ _____
Council Date

Official Permit

- ☐ Created _____
- ☐ Mailed _____



CITY OF EMMETT

Bartender Permit Checklist

Applicant Name ADRIANA TOWNSEND

Date Application Received 03/31/22 By SJ

- ☒ New Application ☐ Renewal Application
- ☒ Application Notarized
- ☒ Fingerprint Receipt Attached (New only)
- ☒ Background receipt (New only)
- ☒ Copy of Driver's License Attached
- ☒ Permit Fee Paid
- ☒ Temporary Permit Language added to Receipt (New only)

Police Department

- ☒ Fingerprint Results Attached (New only) 4/15/22
- ☒ Background Check _____

Emmett Police Name/Records Check

Gem County Sheriff's Name/Records Check

Other

Date Requested: _____ Date Completed: 4/14/22

[Signature]
Completed by

[Signature]
Chief of Police

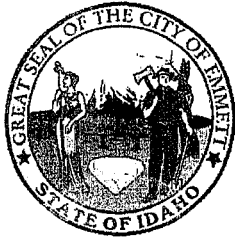
City Council

- ☐ Added to Council Agenda for approval

City Council Approved Yes ☐ No ☐ _____
Council Date

Official Permit

- ☐ Created _____
- ☐ Mailed _____



CITY OF EMMETT

Bartender Permit Checklist

Applicant Name SERENA NYBORG

Date Application Received 4/21/22 By [Signature]

- ☒ New Application ☐ Renewal Application
- ☒ Application Notarized
- ☒ Fingerprint Receipt Attached (New only)
- ☒ Copy of Driver's License Attached
- ☒ Permit Fee Paid
- ☒ Temporary Permit Language added to Receipt (New only)

Police Department

- ☒ Background Check 4/21/22
- ☒ Emmett Police Name/Records Check
- ☒ Gem County Sheriff's Name/Records Check
- ☐ Other
- [Signature] Completed (signature) 4-21-22 Date
- [Signature] Chief of Police (signature) 4-21-22 Date
- ☐ Fingerprint Results Attached (New only) _____

City Council

- ☐ Added to Council Agenda for approval

City Council Approved Yes ☐ No ☐ _____
Council Date

Official Permit

- ☐ Created _____
- ☐ Mailed _____

Tracking # _____



April 1, 2022

City of Emmett
501 E. Main St
Emmett, ID 83617

Dear Mayor Gordon Petrie and Members of the Emmett City Council:

The Gem County Chamber of Commerce (GCCC) respectfully requests the following:

- 1) For the 2022 Emmett Cherry Festival Event, use of the Emmett City Park from June 10-19, 2022 (Friday – Sunday).
- 2) For the 2022 Emmett Cherry Festival Parade, permission for road closures on Saturday, June 18, 2022, from 5:30 pm – 7:00 pm to include, from the corner of East Main Street and Washington Avenue to the corner of East Main Street and South Johns Avenue.
- 3) For the 2022 Fireman’s Hose Competition, permission for road closure on East Main Street between Wardwell Avenue and McKinley Avenue, on Saturday, June 18, 2022, from 8:00 am – 1:30 pm (actual competition hours 9:00 am – 1:00 pm).
- 4) For the 2022 Emmett Lions Car Show, permission for road closure on East Main Street between McKinley Avenue and South Johns Avenue, on Saturday, June 18, 2022, from 6:00 am – 4:00 pm (actual show hours 8:00 am – 3:00 pm).
- 5) For the 2022 Emmett Cherry Festival Event, permission for road closure of Dewey St. between Johns Ave. and Park St, on Sunday, June 12 to Sunday, June 19, 2022, for Rainier Amusements Carnival parking during the event.
- 6) The use of the grass area in front of city hall or by the tank for the Marines Mounted Color Guard meet and greet on Saturday, June 18, 2022, during the car show.

The GCCC agrees to market and manage the 2022 Emmett Cherry Festival event and understands and agrees to the following regarding the event:

- 1) Insurance: The GCCC will carry Special Event Liability Insurance through Idaho Select Insurance, Ben Mock, agent.
- 2) Trash/Waste:
 - a. The GCCC will provide trash pickup in the City Park throughout the event.
 - b. The GCCC will arrange to have large dumpsters to be onsite for the collection of park trash and pay any additional costs incurred for the additional dumpsters from Emmett Sanitation.
 - c. The GCCC agrees there will be no sewer hook-ups or dumping of wastewater on the City Park grounds.
 - d. The GCCC will provide and/or pay for proper wastewater containers onsite.
 - e. All used cooking grease will be dumped in proper waste containers provided by the GCCC-hired vendor.
 - f. The GCCC agrees that any violation of waste dumping may result in the City of Emmett issuing citations along with cleanup costs to be billed to the GCCC, vendor or both.

- 3) City-GCCC Communication:
 - a. The GCCC will meet with and work closely with Emmett Fire Chief and Emmett Chief of Police to ensure all codes are adhered to and that communication takes place before and during the event.
 - b. The GCCC will provide park maps with the layout and details of the event to Fire, Police and Public Works officials.
 - c. For the duration of the event, a direct communication line will be established between the GCCC CEO and Public Works official designee.
- 4) Security: The GCCC will hire and pay for two overnight security officers for the hours between 12:00 am and 6:00 am, starting Tuesday, June 14 through the morning of Sunday, June 19, 2022.
- 5) Clean-up: The GCCC will be responsible for the clean-up of the City Park after the park is vacated on Sunday, June 19, 2022.
- 6) Damage:
 - a. The GCCC will be responsible for any permanent damage done to the park grounds during the event.
 - b. No stakes or posts will be allowed to be used in the park by vendors, carnival, and the chamber.
 - c. The GCCC will monitor and limit Expo Vendors ability to drive their vehicles into the Expo Vendor area for the unloading and loading in and out of their booths.
 - d. Any and all tree trimming or cutting of trees will be strictly prohibited.
- 7) Vacating Park:
 - a. The GCCC will ensure that all Cherry Festival vendors and amusement/carnival company vehicles have exited the City Park by 5:00 pm on Sunday, June 19, 2022, to allow sprinklers to begin running as soon as possible.
 - b. The GCCC will be responsible for any towing fees associated with vehicles or equipment not removed by the above deadline.
- 8) Amusement/Carnival Company Parking: To lessen damage to the City Park, Rainer Amusements will be camping off-site on Dewey Street. To keep an emergency lane open on Dewey Street some camping will be allowed in the grassy areas to the West of the tennis courts. Two of their RV's will be exempt and allowed to park within the City Park for security purposes.
- 9) Traffic Control and Street Closures:
 - a. The GCCC will be responsible for securing all traffic control and street closure paperwork, permits, permissions and traffic/security products (i.e., cones, barriers, etc.).
 - b. The GCCC will work closely with Police, Fire and Public Works departments to ensure all rules and regulations are followed, and the safety of the community and event attendees are safeguarded.
 - c. A certified traffic control plan from Idaho Traffic Control will be provided to the City of Emmett and its appropriate departments, along with a receipt for the traffic control for the parade and road closures.
 - d. The GCCC will provide the City of Emmett with the state highway traffic permit, now in the process, from the Idaho Transportation Department to be distributed to the City of Emmett Police, Fire and Public Works departments for final approval.
- 10) Electrical:
 - a. The GCCC will provide a certified electrician for the event through Mackey Electric.
 - b. Mackey Electric will set up the additional power sources and ensure vendors have power where needed.

- c. The GCCC will pay Mackey Electric for services during the 2022 Emmett Cherry Festival.
- d. Any minor sod cuts or digging to bury electrical cords will be repaired.
- 11) Porta-Potties: The GCCC will contract with a vendor to supply sufficient porta-potties for the event to begin upon the arrival of the carnival company through Sunday, June 19, 2022, before 5:00 pm.
- 12) The GCCC will arrange for a bucket truck and be allowed to drive on City Park property for the purposes of hanging banners on the band shell.
- 13) The GCCC will remunerate the City of Emmett, \$4,000.00, for services during the 2022 Emmett Cherry Festival.
- 14) The GCCC will work with Clint Seamons on making 1st, 2nd, and 3rd street one-way streets. Starting Wednesday, June 15 ITC will make 1st and 3rd streets one way East bound from Hayes to Moffatt and 2nd street will be one-way West bound from Hayes to Moffatt.
- 15) The GCCC will have a tent for City EMS to use during the event on Friday and Saturday 12pm to 10pm. This will allow for an EMS to be onside during the Emmett Cherry Festival.
- 16) The GCCC will be working closely with Chief Kunka, Chief Christensen, and Clint Seamons to help alleviate issues with parking. Parking areas will be promoted prior to the event, including a shuttle from another location.

Further, the GCCC respectfully requests the following from the City of Emmett:

- 1) The City Fire Chief will inspect the 2022 Emmett Cherry Festival food vendors for proper fire suppression equipment.
- 2) The city will provide City Police presence in the City Park during the event and on Saturday during the parade as arranged with the GCCC CEO and Police Chief.
- 3) The city will provide trash bags and gloves for the event.
- 4) The city will assist in moving the city picnic tables to locations to be arranged between Public Works and the GCCC CEO.
- 5) The city will shut off all irrigation water and all sprinkler pipes will be removed before the event.
- 6) The city will mark all sprinkler heads and electrical lines before the event.
- 7) The city will ensure all entrances to the park will be unlocked during the event.
- 8) The city will ensure designated power boxes will be unlocked and turned on during the event.
- 9) The city will close all City Park restrooms to the general public during the event. The city will provide a key to band shell restroom to the GCCC CEO for the event.
- 10) The city will allow water hook-ups within the City Park for the event.
- 11) The city with coordination from Mike Knittel, will setup a special and separate connection to Wi-Fi for the vendors use during the event.

Thank you for your consideration and assistance in this very special community event.

Sincerely,

Tina Hefley

CEO
Gem County Chamber of Commerce



April 20, 2022

Mayor Gordon Petrie
Emmett City Council
501 E Main St
Emmett, ID 83617

Dear Mayor Petrie and Emmett City Council,

The Gem County Chamber of Commerce (GCCC) appreciates the support and collaboration it has enjoyed and continues to enjoy with the City of Emmett in putting on the annual Emmett Cherry Festival.

After a successful 86th annual Emmett Cherry Festival with no challenges or alcohol-related issues with having a Beer & Wine Vendor booth, and discussions with Chief Kunka. We have decided to move forward with having a qualified beer vendor at our event again this year.

We will be inviting back last years Beer & Wine Vendor and they will again have a booth in the food court.

Thank you for your support.

Sincerely,

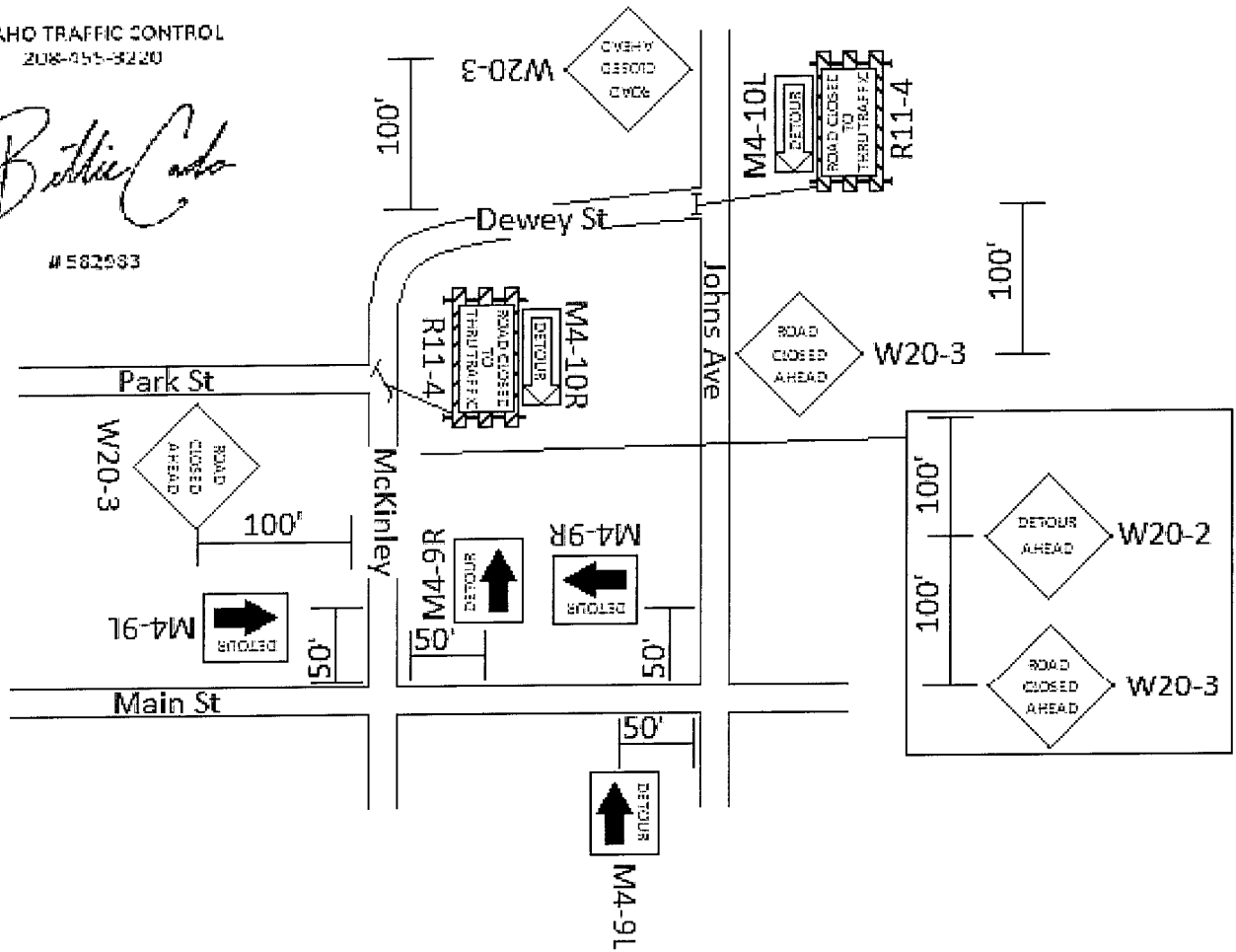
Tina Hefley

Tina Hefley
CEO

IDAHO TRAFFIC CONTROL
208-455-8220

Bethie Coda

#582993



IDAHO TRAFFIC CONTROL

208-455-3220

Becky Hansen

#28797

Johns Ave

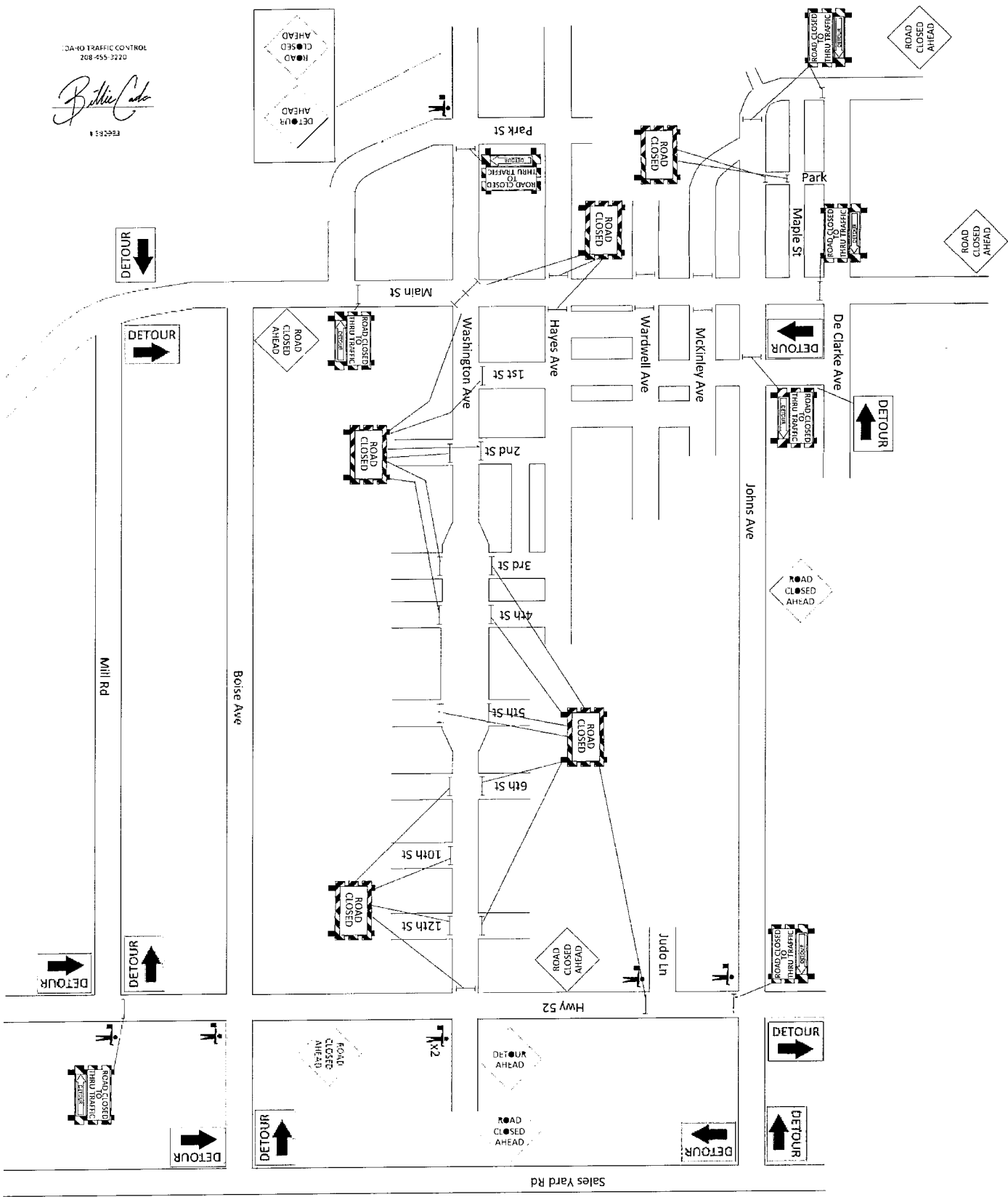
McKinley Ave

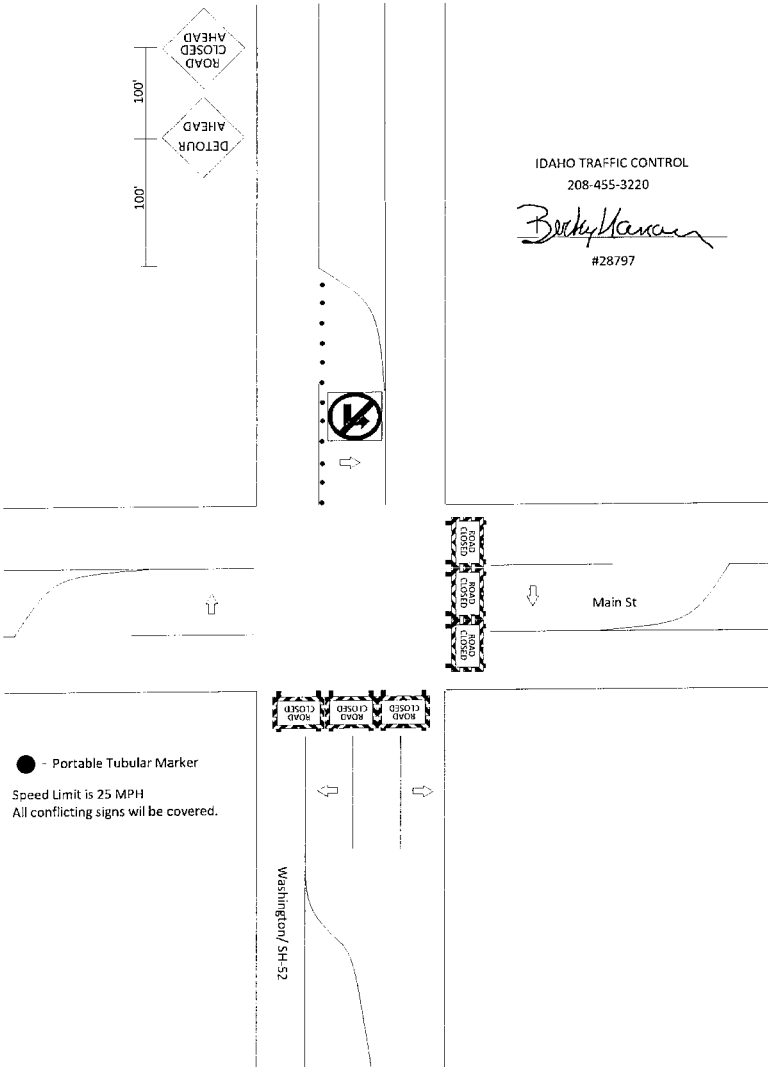
Wardwell Ave

Main St



BOISE TRAFFIC CONTROL
202-555-2222
Bethie Cade
EFFECTS 1







EMMETT POLICE DEPARTMENT

501 E. Main Street – Emmett, ID 83617
Fax 365-6062 Phone 365-6055

Steve Kunka, Chief of Police

April 20, 2022

Mayor Gordon Petrie
Emmett City Council

I am responding to the letter (see attached) and Email that I received from the Gem County Chamber of Commerce on April 5, 2022. I am approving their requests for road closures on Saturday, June 18, 2022 from 5:30 pm – 7:00 pm from the corner of East Main Street and Washington Avenue to the corner of East Main Street and South Johns Avenue, road closures for the Fireman's Hose Competition on East Main Street between Wardwell Avenue and McKinley Avenue, on Saturday, June 18, 2022 from 8:00 a.m. – 1:30 p.m., road closure for the Lions Car Show on East Main Street between McKinley Avenue and South Johns Avenue, on Saturday, June 18, 2022 from 6:00 am – 4:00 pm. and road closure of Dewey St. between Johns Ave. and Park St. starting Sunday, June 12, 2022 to Sunday, June 19, 2022. This letter is written to show the Emmett Police Department's support of the above road closures.

Tina Hefley, Chamber Admin. Assistant also attached traffic plans from Idaho Traffic Control which I have approved. I have also agreed to work along with the Gem County Sheriff's Office to provide additional law enforcement presence and crowd control during the parade.

One item still needed is the state highway traffic permit. Once this is obtained by the Chamber the Emmett Police, Fire and Public Works departments will give its final approval.

I believe that if any concerns or issues come up, they will be resolved between Tina Hefley, Clint Seamons, Sheriff Wunder or me. The Chamber of Commerce has always worked very well with the police department and I am in full support of this event.

Steve Kunka

Chief of Police



Enriching our community one activity at a time.



April 6, 2022

Mayor & Emmett City Council
501 East Main
Emmett, Idaho 83617

Dear Mayor & City Council:

We would like to thank you for allowing the Gem County Recreation District to have the Childrens Parade each year during Cherry Festival. This year's event is approaching fast (June 18th) and we would like to request the following road closures and assistance.

1. That the alley way behind Main Street Beverage be closed from 4:30 to 6:45pm for a staging area for the Animals & Horse Divisions. We are asking Main Street Beverage to use the parking lot for the horse trailers.
2. That from Commercial to Johns there be *no cars* parked on Main Street during the Childrens Parade from 5 – 7:30pm. The parade will start at 6:30 pm on North Commercial with Police escort and go down Main St to Johns where the participants will turn right and be on their way.
 - a. We will put out candle cones & signs before 8 am, the day of the event. We will not tow anyone if they are not moved.
3. That our horse division have a police escort back to the dirt parking lot by Main Street Beverage from Johns.
4. Once we get approval we will reserve Blaser Park and submit the application to ITD.

Please find attached the Traffic Control Plan.

1. We are in contact with Chief Kunka about providing flaggers to man intersections.
2. We are talking to the Chamber of Commerce about using the barricades from their parade for the Childrens Parade.

We will have one person to follow behind the horses, goats and dogs in case it is needed.

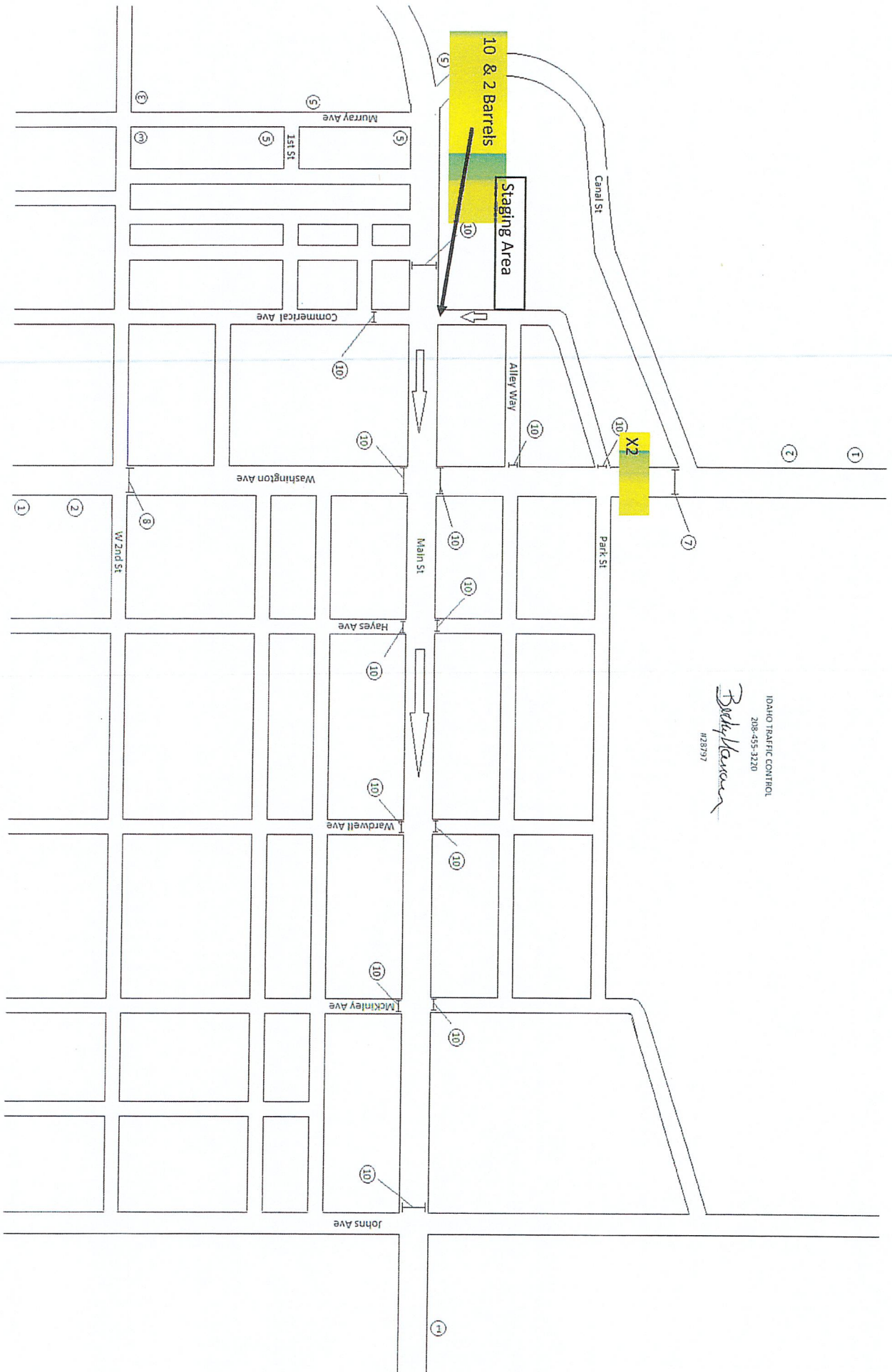
If there are any questions please contact me at 208-365-5748.

Thank you for your time on this matter.

Kristen Seitz
Office Coordinator
Gem County Recreation District

208-455-3220

#28197

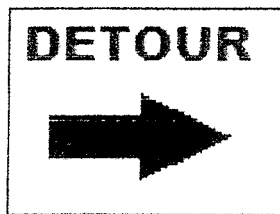


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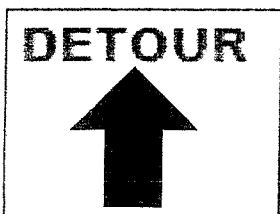
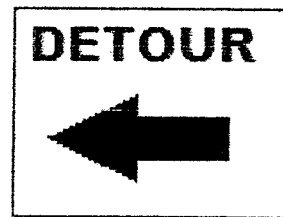
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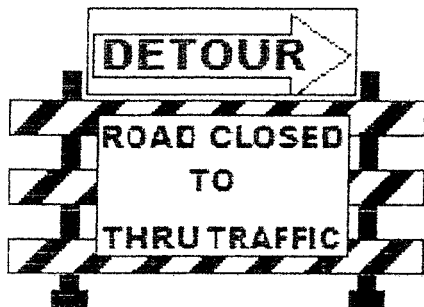
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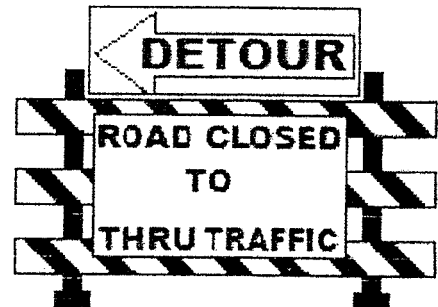
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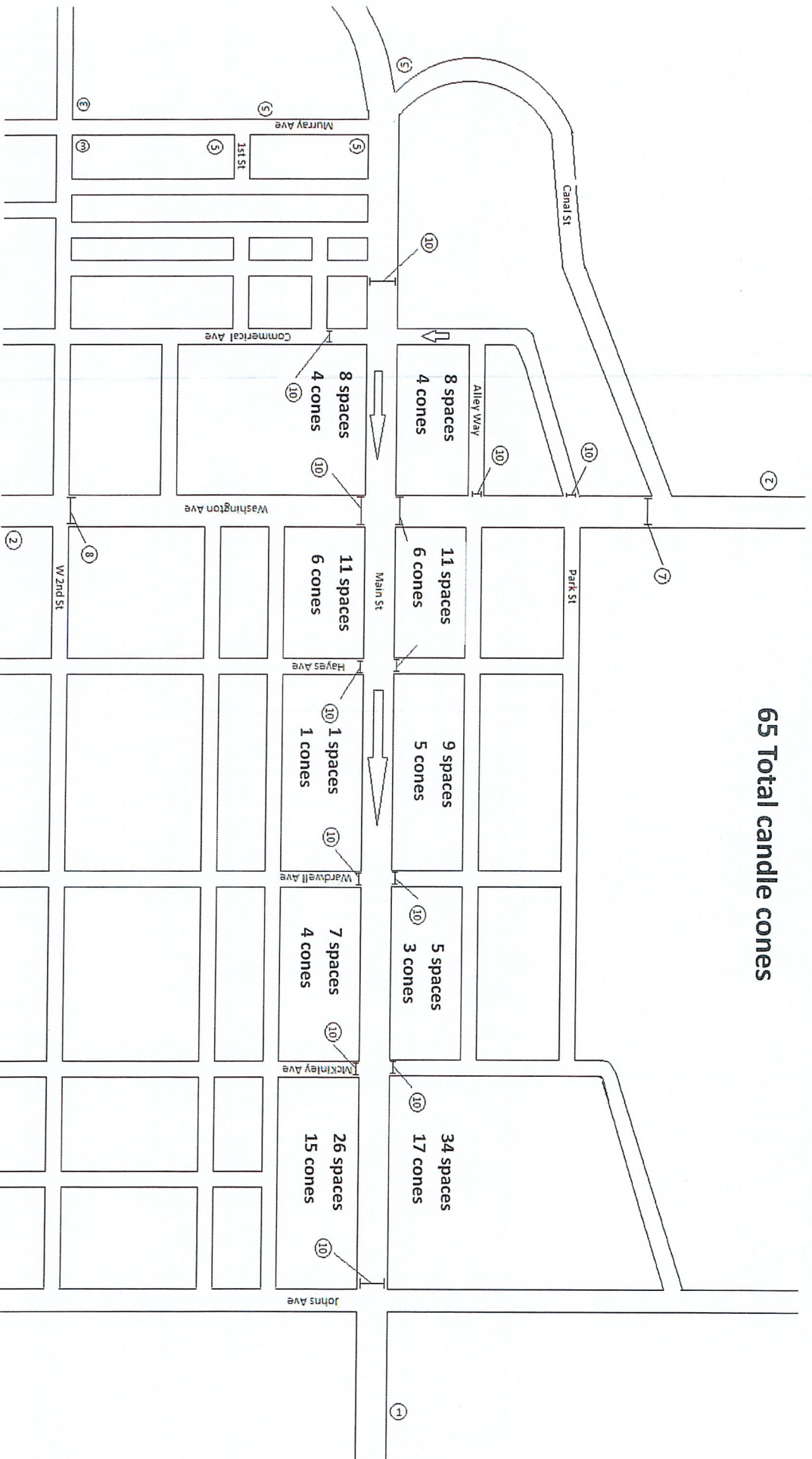
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NOTE: ALL SIGN SPACING 100'

Map for amounts of Candle Cones on Main Street

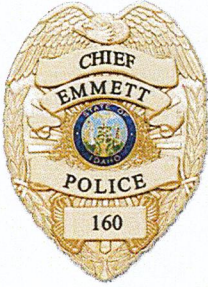
65 Total candle cones



How to set up Candle Cones in parking spots. (Place candle cone next to the edge of the street.)

Parking Space	Parking Space	Parking Space	Parking Space	Parking Space	Parking Space	Parking Space
---------------	---------------	---------------	---------------	---------------	---------------	---------------

Indicates Candle Cones



EMMETT POLICE DEPARTMENT

501 E. Main Street – Emmett, ID 83617

Fax 365-6062 Phone 365-6055

Steve Kunka, Chief of Police

April 20, 2022

Emmett City Mayor
Emmett City Council

This letter is written to show the Emmett Police Department's support of the attached road closures for the Gem County Recreation District's Children Parade June 17, 2022.

Kristen Seitz and I have already spoken about the traffic plan that I have approved (see attached) and Kristen has submitted a letter to city council explaining what is expected of them and us during the parade (see attached letter). I have agreed to provide traffic control at the majority of the intersections on the parade route like we have in the past and will be advising Gem County E.M.S. because of where they are located. The traffic control officers will either be the officers on duty, unpaid reserve officers and the police chief.

I believe that if any concerns or issues come up they will be resolved between Kristen Seitz, Clint Seamons or me.

Steve Kunka,

A handwritten signature in dark ink, appearing to be "S. Kunka", written over a horizontal line.

Chief of Police



Enriching our community one activity at a time.



April 6, 2022

Mayor & Emmett City Council
501 East Main
Emmett, Idaho 83617

Dear Mayor & City Council:

The Gem County Recreation District's Holiday Magic On Main Street Lighted Parade will be on November 26th. The Lighted Parade will start at 6:00pm. We would like to request the following road closures and assistance.

We have included the Idaho Traffic Control Map approved by Chief Kunka.

- We are also working with ITD about closing down Washington.
- We are working with Becky from ITC to set up the barricades for closing down the streets.
 - The area around Blaser park to be closed from 3pm until the end of the parade and horse participants are done.
 - The area around the City Park to be closed from 4pm until the parade starts at 6pm.

We are also in contact with Clint Seamons and Chief Kunka for the following:

- Clint to reserve Blaser Park area & the area around the City Park for our staging.
- Chief Kunka for the use of an officer or COP to escort the horse participants over to the starting area from the parking lot by Blaser Park parking lot across Washington Ave down to McKinley. Should be at Blaser parking lot by 5:15pm escorting at 5:30pm.
- Chief Kunka for any flaggers needed and one lead car.
- Chief Kunka for no cars to be parked on Main Street from Commercial to McKinley during the Lighted Parade from 5pm to 7pm. The parade will start at 6:00pm at McKinley with Police escort and go down Main St to Commercial where the participants will turn right and be on their way.
 - The Candle Cones with signs on them will be put out the morning of the event. We will not tow anyone if the car is left in the parking spots.
 - We will also get with the Frontier Cinema about the road Closures, if they are doing a free movie.

We will remain in contact with Chief Kunka about all the planning stages when the event gets closer. If there are any questions please contact me at 365-5748.

Thank you for your time on this matter.

Kristen Seitz
Office Coordinator

Gem County Recreation District

Abra Dodson – Director **Board of Directors: Joe Decker, Christina Allen and Mia Saffran Larson**
PO Box 631 Emmett, Idaho 83617 – Phone: 208-365-5748 Fax: 208-365-7313
gemcountyrecreationdistrict@gmail.com - www.gemcountyrecreation.com

GCRD Holiday Magic Lighted Parade

1 officer at Johns and Main - will bring up back of parade

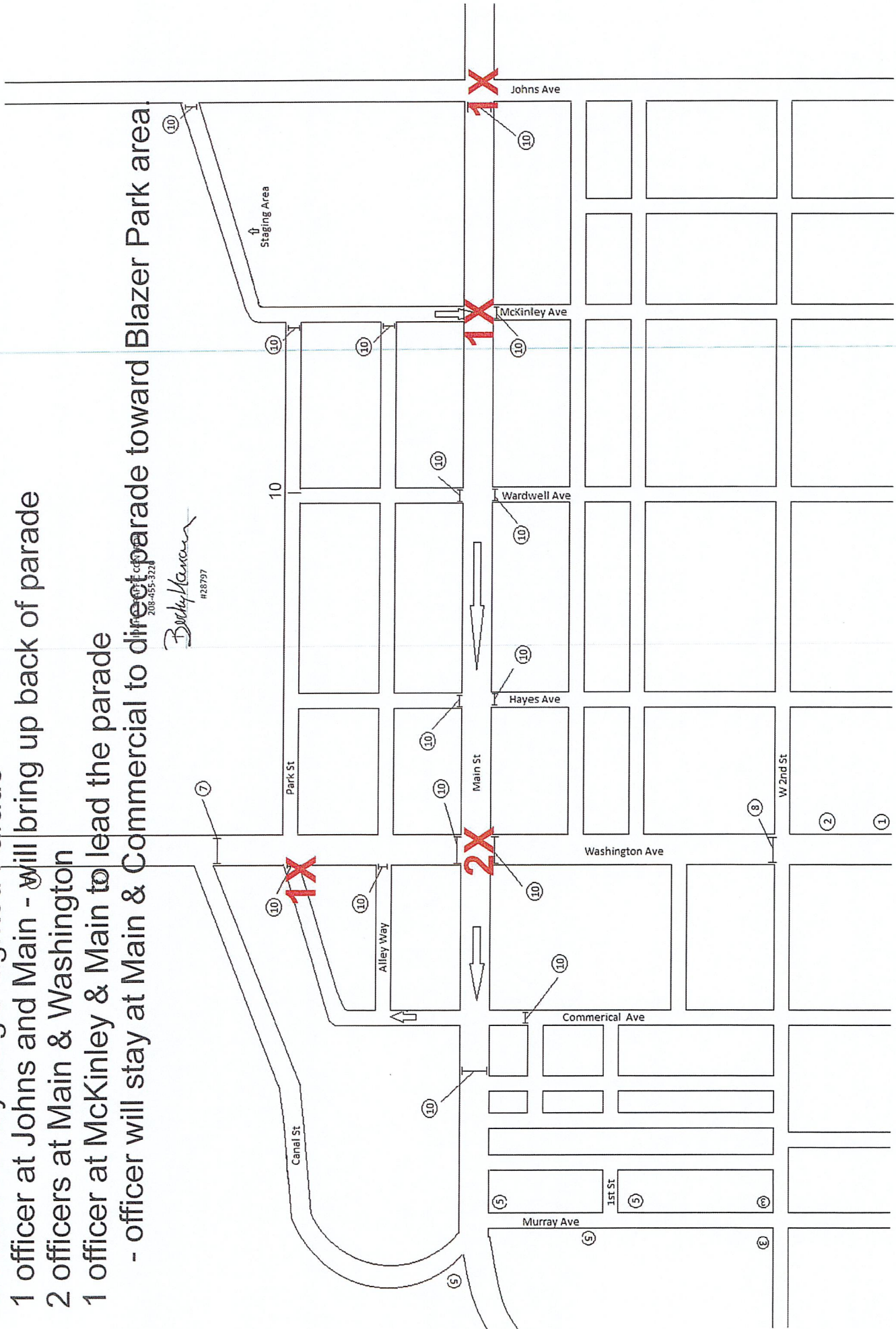
2 officers at Main & Washington

1 officer at McKinley & Main to lead the parade

- officer will stay at Main & Commercial to direct parade toward Blazer Park area.

208-455-3221

Betty Hancock
#28797

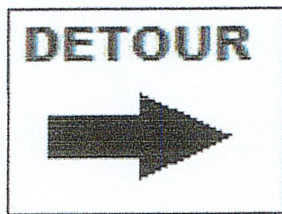
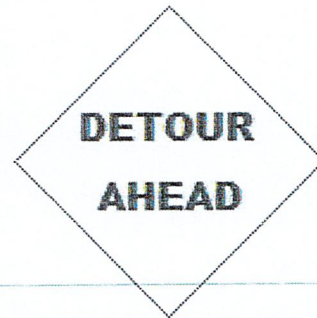


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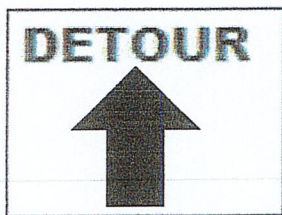
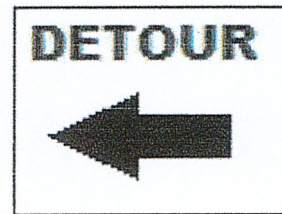
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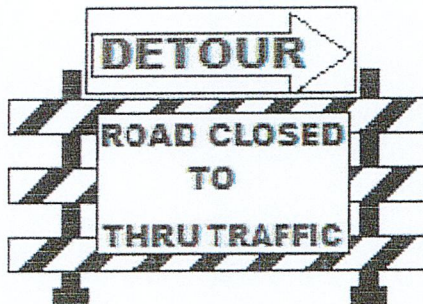
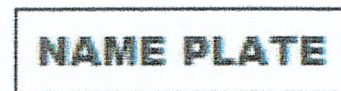
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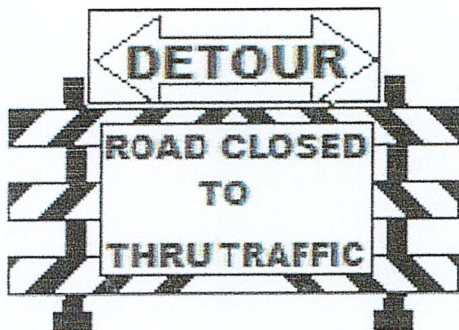
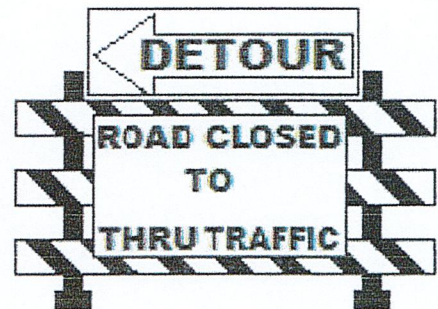
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NOTE: ALL SIGN SPACING 100'

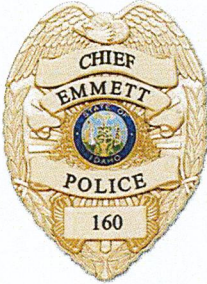
40 Total candle cones
X marks where to drop off Candle Cones

The map shows the following locations for candle cones:

- Block 100 (Main St & Park St):** 11 spaces, 6 cones (X)
- Block 90 (Main St & Park St):** 9 spaces, 5 cones (X)
- Block 80 (Main St & Park St):** 5 spaces, 3 cones (X)
- Block 70 (Main St & Park St):** 7 spaces, 4 cones (X)
- Block 60 (Main St & Park St):** 1 spaces, 1 cones (X)
- Block 50 (Main St & Park St):** 11 spaces, 6 cones (X)
- Block 40 (Main St & Park St):** 8 spaces, 4 cones (X)
- Block 30 (Main St & Park St):** 8 spaces, 7 cones (X)
- Block 20 (Main St & Park St):** 2 - 10 (X)
- Block 10 (Main St & Park St):** 4 candle cones (X)

Other streets shown include Canal St, Alley Way, Washington Ave, Commercial Ave, Murray Ave, 1st St, and Main St.

How to set up Candle Cones in parking spots. (Place candle cone next to the edge of the street.)



EMMETT POLICE DEPARTMENT

501 E. Main Street – Emmett, ID 83617

Fax 365-6062 Phone 365-6055

Steve Kunka, Chief of Police

April 20, 2022

Emmett City Mayor
Emmett City Council

This letter is written to show the Emmett Police Department's support of the attached road closures for the Gem County Recreation District's Holiday Magic Parade November 26, 2022.

Kristen Seitz and I have already spoken about the traffic plan that I have approved (see attached). Kristen has submitted a letter to city council explaining what is expected of them and us during the parade (see attached letter). I have agreed to provide traffic control at the major intersections on the parade route. These traffic control officers will either be the officers on duty, unpaid reserve officers and the police chief. I have advised EMS of the parade.

I believe that if any concerns or issues come up, they will be resolved between Kristen Seitz of the G.C.R.D., Clint Seamons with E.P.W. or me.

Steve Kunka,

Chief of Police

RESOLUTION NO. R2022-01

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EMMETT, IDAHO
REPEAL OF DECLARATION OF LOCAL DISASTER EMERGENCY**

A RESOLUTION REPEALING RESOLUTION #R2020-4, WHICH RATIFIED THE DECLARATION OF A LOCAL DISASTER EMERGENCY, IN ACCORDANCE WITH TITLE 46, SECTION 1011, IDAHO CODE; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Emmett, Idaho:

Section I. The costs of all materials, equipment, and services deemed reasonably necessary to provide disaster emergency relief and assistance in response to the recent extraordinary COVID-19 virus have been paid-in-full.

Section II. Resolution #R2020-4 is repealed, and the declaration of a local disaster emergency is terminated.

Section III. Pursuant to Title 46, Section 1011, Idaho Code, this Resolution shall be given prompt and general publicity and shall be filed promptly with the Gem County Recorder.

Section IV. This Resolution shall be in full force and effect immediately upon its adoption and approval.

RESOLUTION introduced and passed April 26, 2022, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Public health disaster emergency declaration to end April 15

Boise, Idaho – After weeks of thoughtful deliberation with numerous stakeholders, Governor Brad Little announced today Idaho will end the public health emergency on April 15, 2022.

Governor Little's statement on reaching the milestone follows:

"I kept Idaho open, banned vaccine mandates, never issued mandates for vaccines or masks, and successfully challenged Biden's overreaching vaccine mandates in court.

"The emergency declaration served as an administrative function to recoup FEMA dollars for a variety of needs throughout Idaho. The emergency declaration never violated or restricted any rights of Idahoans, never put Idaho on lockdown, and never allowed for mandates for masks or vaccines. These are the facts.

"Without the emergency declaration we would not be able to provide historic tax relief, a step that's even more important now as gas prices and inflation soar. Without the emergency declaration, Idaho would not be the state with the strongest economy in the nation.

"We're hopeful the recent decrease in COVID-19 cases, hospitalizations, and deaths means we are on a downward trend with the pandemic. For weeks, we have been closely examining the needs within Idaho's healthcare system with an eye toward ending the public health emergency declaration as soon as possible. The April 15 timeframe provides an important bridge for hospitals and other healthcare providers to plan for the transition.

"I want to thank Idahoans, especially our medical community, first responders, public health officials, and National Guard volunteers for helping us reach this positive milestone."

The activation of a statewide public health emergency since the start of the pandemic has enabled the Federal Emergency Management Agency (FEMA) to cover costs associated with distribution of critical supplies such as ventilators and PPE, medical staffing, National Guard support, vaccine distribution, and other needs.

Every single state had a public health emergency declaration in place, and dozens still do. **FEMA covered \$257 million in costs since March of 2020 that would otherwise have been covered by the Idaho state budget or local governments. That means without the emergency declaration, the State of Idaho would not be able to provide Idahoans with historic tax relief and unprecedented strategic investments to keep up with growth.**

Only the Governor can lawfully end an emergency declaration. For weeks, the Governor's Office has been coordinating with stakeholders to minimize impacts and ensure hospitals and others are prepared for the expiration of the emergency declaration on April 15.

Since the start of the pandemic, there has been much misinformation about what the emergency declaration does and does not do. The emergency declaration:

- Existed as an administrative document to ensure FEMA can cover costs associated with pandemic needs, so the Idaho state budget and local governments are not on the hook for costs
- Enabled Idaho to cut red tape to allow more nurses to enter the workforce and expand telehealth services
- Enabled the activation of the National Guard to expand healthcare capacity
- Added hundreds of medical personnel to support long-term care facilities and hospitals overrun with patients
- Covered costs for first responders; county emergency management; funeral assistance; testing; vaccine rollout; PPE, ventilators, and other medical equipment, bringing much needed resources to Idaho

- **DOES NOT violate or restrict any rights of Idahoans**
- **DOES NOT put Idaho on lockdown**
- **DOES NOT put in place mandates for masks or vaccines**

Governor Little kept Idaho open, never put in place mask or vaccine mandates, banned vaccine passports, and successfully challenged President Biden's vaccine mandates in court. Idaho now has the strongest economy in the nation.

Idaho still maintains a fund to respond to COVID-19 if needs change.

The Idaho Department of Health and Welfare will continue to serve as a resource for COVID-19 information and will continue to update [Coronavirus.Idaho.Gov](https://coronavirus.idaho.gov).

#

NEWS MEDIA CONTACT: Marissa Morrison Hyer, Press Secretary
208-943-1686 or marissa.morrison@gov.idaho.gov

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Sign up to receive news from Governor Little
Reply to this e-mail to unsubscribe

LEGAL NOTICE

CITY OF EMMETT, IDAHO

Treasurer Financial Report for Quarter Ending March 2022

FUND	BUDGET	YTD Receipts	YTD Expenditures	% Rec	% Exp
General Fund	\$ 2,884,683.00	\$ 1,932,082.17	\$ 1,513,790.96	67%	52%
Personnel			\$ 801,360.46		
Insurance			\$ 172,418.52		
Capital Outlay			\$ 540,011.98		
Street Fund	\$ 634,361.00	\$ 376,179.73	\$ 210,866.96	59%	33%
Personnel			\$ 79,191.84		
Insurance			\$ 22,364.09		
Capital Outlay			\$ 109,311.03		
Library Fund	\$ 260,612.00	\$ 168,036.30	\$ 128,282.77	64%	49%
Personnel			\$ 49,380.25		
Insurance			\$ 11,584.70		
Capital Outlay			\$ 67,317.82		
Cemetery	\$ 124,241.00	\$ 74,802.31	\$ 65,224.12	60%	52%
Personnel			\$ 36,548.26		
Insurance			\$ 6,826.32		
Capital Outlay			\$ 21,849.54		
Perpetual Care	\$ 4,200.00	\$ 2,899.15	\$ -	69%	0%
TOTAL	\$ 3,908,097.00	\$ 2,553,999.66	\$ 1,918,164.81	65%	49%

Enterprise Funds: Water/Sewer/Sanitation/Technology					
Water	\$ 1,825,300.00	\$ 992,165.77	\$ 667,178.96	54%	37%
Personnel			\$ 237,372.77		
Insurance			\$ 68,441.63		
Capital Outlay			\$ 354,553.00		
Bond Repayment			\$ 6,811.56		
Sewer	\$ 2,161,800.00	\$ 1,327,427.73	\$ 776,466.07	61%	36%
Personnel			\$ 223,627.04		
Insurance			\$ 58,889.57		
Capital Outlay			\$ 320,254.68		
Bond Repayment			\$ 173,694.78		
Sanitation	\$ 659,200.00	\$ 360,799.47	\$ 362,526.17	55%	55%
Personnel			\$ 30,714.16		
Insurance			\$ 4,846.17		
Capital Outlay			\$ 326,965.84		
Technology	\$ 26,000.00	\$ 104,717.00	\$ 20,249.19	403%	78%
TOTAL ENTERPRISE FUNDS	\$ 4,672,300.00	\$ 2,785,109.97	\$ 1,826,420.39	60%	39%
Other	\$ 5,300.00	\$ 49,889.62	\$ 139,691.84		
TOTAL ALL FUNDS	\$ 8,585,697.00	\$ 5,388,999.25	\$ 3,884,277.04	63%	45%

Citizens are invited to inspect the detailed supporting records of the above financial statement.

City of Emmett is an Equal Opportunity Employer

Lyleen Jerome, City Clerk/Treasurer



EMMETT PUBLIC WORKS DEPARTMENT
601 East 3rd Street - Emmett, Idaho 83617
Clint Seamons, Public Works Director

Thursday, April 21, 2022

Mayor, City Council:

I am requesting a **MOTION to approve changing the name of the city airport from Chuck Sawyer Field to Sawyer Airfield.**

Thank you,

Clint Seamons, Public Works Director



EMMETT PUBLIC WORKS DEPARTMENT
601 East 3rd Street - Emmett, Idaho 83617
Clint Seamons, Public Works Director

Thursday, April 21, 2022

Mayor, City Council:

I am requesting a **MOTION to approve the award of low bid to Inline Asphalt Inc in the amount of \$48,705.50.**

Attached is the only BID received and summary of BID Request for your review.

Thank you,

Clint Seamons, Public Works Director

Railroad Crossing BID Results

BID Notification Date	3/18/2022	BID DUE DATE	4/15/2022
Company	BID Amount	Date BID Received	Contact Person(s) Emailed
Inline Asphalt Inc	48,705.50	4/11/2022	Bob Sisk
Sunroc	NO BID RECIEVED	N/A	Shane
Granite Excavation	NO BID RECIEVED	N/A	Zach
Idaho Materials	NO BID RECIEVED	N/A	Pete and Keith

INLINE ASPHALT, INC

Po Box 94
SWEET, ID 83670
208-369-0583

Estimate

Date	Estimate #
4/11/2022	1168

Name / Address
City of Emmett 316 E. Park St. Emmett, ID 83617 JOB: ITD/RR

			Project
Description	Qty	Rate	Total
N. WARDWELL / RR - Excavate down and rebase roadway area using 6 - 8" of roadmix material. Grade, prep and compact for asphalt installation. Pave area's back using an approved hot mix asphalt, compact and finish.	3,168	7.25	22,968.00
N. JOHNS AVE / RR - Same as above description.	3,550	7.25	25,737.50
Thank you for considering us for this job and please call with any questions.			
Total			\$48,705.50

Phone #	Fax #
2083659147	

City's Strategic Pillars
4/26/2022

- Economically Vibrant and...
- Health-conscious city
- Legally compliant with all state and federal laws
- Performing its constitutional mission (protecting people and property)
- With adequate infrastructure for growth

Building/Zoning Department Goal

- Educate staff to obtain intimate knowledge of building and zoning codes. 45%
- Update outdated city ordinances, implement new ordinance-----70% zoning and building only.
- Obtain accessibility inspector certification-----40%
- Comprehensive Plan overhaul and revision----- 25%
- Digitalize and organize all building and zoning files and plans----16%

Accomplishments since last report

1. Permits, March: New house = 14, Foundation Only =, Commercial = 2, Duplex =, Tri-plex =, Apartment = - Hangars = Manufactured Home = 1, Fees Collected: \$ 33,083.97
2. Reviewing house plans and zoning applications
3. Started preliminary work on updating our zoning map
4. Continued work with Logan Simpson for the comprehensive plan
5. Drafted Area of City Impact map for proposed new boundaries, met with County Zoning Staff and County Commissioners to discuss proposed boundary change
6. Completed review of Rise Inc. Tenant Improvement
7. Completed plan review for Sawtooth Land Surveying addition and remodel

Plan for next 30 days

8. Daily operations, plan reviews, contractor talks, developer talks, etc.
9. Updates to Title 7, water and sewer, city code.
10. Prepare a workshop for zoning commission members
11. Work on Building Department fee increase for permits
12. Complete BAS (Boundary and Annexation Survey) report to Census Bureau
13. Addressing of subdivisions
14. Start Preliminary Budget
15. Work on job description for Planning and Zoning Department
16. Construction Drawings for Payette River Estates Sub. Review
17. Construction drawing review Gem Valley Townhomes
18. Zoning Applications:
 - Rezone 835 W. 4th street Commercial to R-3 multi-family
 - Rezone 1102 E. 12th street R-1 single family to R-3 multi-family

Training (see attached)

This report does NOT contain any data required by ordinance or statute...that is covered in a separate report

City's Strategic Pillars
04/21/22

- Economically Vibrant and...
- Health-conscious city
- Legally compliant with all state and federal laws
- Performing its constitutional mission (protecting people and property)
- With adequate infrastructure for growth

Clerk's Goals this Budget Year

- Increase ACH (Direct Pay) 10% from prior year
- Digitalize Resolutions and Legal Documents
- Streamline on line forms
- ADA Compliance Updates to City Hall – modify walk up payment window-customer friendly

Expenditures requiring authorization / purpose of expenditure - none

Training

Accomplishments since last report

- **March Transactions**
 - Billings sent - **3067**
 - ACH (Direct Pay) customers **572**
 - Over the counter Water/Sewer payments (checks/cash) –**1784**
 - On-Line Credit Card Payments – **631**
 - Over the counter credit card payments – **70**
 - Disconnection late letters mailed - **326**
 - Water disconnections due to non-payment - **62**
 - New Water/Sewer Accounts opened - **20**
 - Cemetery Lots Sold/Deeds Issued – **12**
 - Bartender/ Alcohol/Catering Permits - **8**
 - Dog License -**21**
 - Business Registration Certificate – **12**
 - Other Permits/License – **4**
 - Tort Claim - **1**
 - Accounts Payable Claims processed – **127**
 - Onboard new employees – **1**
 - Employee terminations – **1**
 - Payroll processed- **228** checks issued
- Updated financials – March
- March Bank Reconciliation on 6 bank accounts
- Scanned minutes to electronic filing
- Budget meeting with all Directors #2
- Sewer Averages completed - 2678 accounts reviewed using January, February, March as the averaging months

Plan for next 30 days

- Attend AIC District Meeting 4-25-22
- Budget meeting with Directors #3
- Update Ordinance and Resolution Logs
- Records retention and destruction
- Get bids to update/modify walk up customer window for easier customer access
- Landscaping with rock around City Hall building before May 1st when lawn mowing begins

City's Strategic Pillars

- Economically Vibrant and...
- Health-conscious city
- Legally compliant with all state and federal laws
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- With adequate infrastructure for growth

Emmett Fire Department Goals this Budget Year (with percentage of completion to date)

- Work to provide a training area to include a burn building where class A materials can be burnt and provide a constant, realistic and rigorous training program (50% of completion)
- Provide all equipment necessary to allow for daily mission execution while meeting operational goals. **(70% of completion)**
- Implement a community based risk program that educates so that in each iteration high standards will be enforced, thus making our community safer. (50% of completion)
- Provide a positive work environment thus keeping well-trained and motivated firefighters for at least five year tours. **(78% of completion)**

Expenditures requiring authorization from higher and purpose of expenditure

No less than Top Ten Accomplishments since last

- Attended the Idaho fallen firefighter memorial ceremony
- Took down banners and light and replaced with historic downtown banners
- Fixed the Emmett High School flag
- Assisted the Gem County Senior Center with a faulty exhaust fan
- Ordered training material
- Made new training material for door. Forcing prop
- Found 3 SCBA bottles that were leaking
- Installed a car seat for Valor Health, provided a car seat for Health and Welfare
- Schedule a car seat installation and recipient canceled
- Inspected a business regarding a concern
- Checked on school compliance with fire drills
- Provided an instructor for a door forcing class
- Shared training props
- Hosted a Hazmat refresher
- Emailed Craig Wood regarding Fire Drills for Emmett Schools
- Discussing with PRRTA a job shadowing program
- Prepped FFs for Essentials class in Caldwell (Gear, Equipment, training)
- Ordered equipment and batteries for Fire operations
- Upgrade door forcing equipment
- Answered questions and inspected a commercial building with issues, reached out to property owner.
- Reviewed a TI and submitted comments
- Hosted Hazmat refresher
- Contacted Huckleberry properties for walk through following a complaint, met with them
- Walked through New Idaho Pizza and talked with Sprinkler system
- Met with County Fire/EMS to discuss Cherry Festival standby
- Met with BLM regarding upcoming year
- Installed 3 smoke detectors and changed out batteries, replaced batteries in resident, answered questions for resident on smoke detectors offered assistance, replaced smoke detectors one resident.
- Installed new response viewer for station
- Participated in Idaho Fire Chiefs Board meeting
- Working with a local business on expansion
- Walked through all Huckleberry properties with Property managers
- Presented at Kiwanis
- Helped with Fire Drill at High School, working with School district on frequency of drills
- Public education at Butte View

- Two Firefighters designed an visual CAD layout of our hose loads

My sole belongs to the Lord and my body and honor to my country.

Plan for next 30 days

- Insulate Hazmat trailer
- Work on Regional Approach to Hazmat Response
- Inspect all Assisted Livings
- Complete inspection of downtown
- Finish leak testing SBCA bottles
- Set up kids presentation
- Career day EHS
- Plan for upcoming class at Butte View
- Start Planning for two grants
- Look in to finical feasibility of compensation for long call outs

Training (See Attached)

This report does NOT contain any data required by ordinance or statute...that is covered in a separate report

Emp, Title	Training/Hours	Date	Location	Cost/Certificate
5	Hazmat Refresher	3/4-3/5	Emmett	\$150
1 Captain	EMS Refresher	3/4-3/5	Grangeville	\$660
1	Penetrating Trauma	3/23/22	On line	\$0
1	Hazmat Week	3/28-4/1	Boise	\$0
# Emp. Trained	Total Training Hours			Total Cost

City's Strategic Pillars 4/12/2022 @ LIBRARY

- Economically Vibrant and...
- Health-conscious city
- Legally compliant with all state and federal laws
- Performing its constitutional mission (protecting people and property)
- With adequate infrastructure for growth

Mission: Emmett Public Library is the heart of the community! Serving as a resource for information, education and recreation, as well as a place to meet, gather and learn.

Library Goals this Budget Year (with percentage of completion to date, (FY 21-22)

- "Balancing of Efficiencies" with patron services and library usage (Growth); by collaborating with other community entities that support the library's mission of 202-2022, partnerships that help the library as it stretches to serve a growing community.
- Library will implement a software to recover patron's fines, pending LYNX start-up; expand delivery of learning opportunities through in-house & outreach programs.
- Library will develop Adult/Senior support services for Senior Living businesses, resources to enhance "A Place For Seniors To Age & Stay"
- Develop grant/gift programs as well as in-kind contributions, providing no less than \$50,000 a year towards budget. **To date: Donations=\$15,719.48 + Grants=\$17,205.00, In-Kind Donations=\$530.00**

Expenditures requiring authorization from higher and purpose of expenditure- None at this time

Yearly Training list- None at this time

No less than Top Ten Accomplishments since last report

- First Books Grant FY21-22, distribution is a monthly drop off at Head Start of 50 books
- Grant Exploration for Smart Locker Project (AARP, ICF, ICFoL)
- STEM Grant for Summer Reading and Rotary Grant submitted, RECEIVED \$500
- AARP grant for Library Locker System Submitted
- Book Tasting Fundraiser April 9th 10am-2pm (57 attended)
- First Wednesday, National Walking Day April 6th in the park "You Are a Lion: Fun Yoga"
- "So All Can Read" grant through ICFoL completed

Next 30 days

- National Volunteer Appreciation Week April 17-22 (celebrating over 3,540 hrs in 2021)
- Youth Appreciation Day April 30th
- Summer Reading planning, now for Event:(June 7-July 22)
- Preparing for the "Great Cherry Bake Sale" June 16-18, it's going to be sweet!

This report does NOT contain any data required by ordinance or statute...that is covered in a separate report.

2021-22 Library Stats	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	21-22
PATRONS													TOTALS
Resident	4731	4751	4764	4786	4803	4822							4803
NonResident	3123	3146	3151	3159	3168	3185							3168
Adult-Circulation	2986	3070	2953	3352	2297	3166							17824
Teen-Circulation	708	707	460	518	395	515							3303
Juvenile-Circulation	3965	4347	2859	3412	2223	4268							21074
TOTAL BOOKS	7659	8124	6272	7282	4915	7949	0	0	0	0	0	0	42201
Audios-Circulation	198	176	140	153	119	171							957
In-house Tech-Circ	57	68	23	16	17	41							222
In-house Book-Circ	84	441	179	198	21	97							1020
Trade/Exchange-Circ	106	128	103	114	67	108							626
Hobbies/Games/Kits-Circ	26	31	36	42	29	32							196
Video/DVD	2193	2418	2047	2028	1069	2141							11896
TOTAL CIRCULATION	10323	11386	8800	9833	6237	10539	0	0	0	0	0	0	57118
Outreach Children/Seniors	37/28	293/00	50	49	50	359							457
Children's Activities	130	147	109	88	39	254							513
Family Activities	43	55	41	49	37	385							610
Computer Usage	359	359	329	276	122	371							1816
WiFi Usage	149	169	133	122	159	144							876
Reference/Phone	81	97	89	94	128	124							613
Meeting Room	7	11	9	16	13	38							94
Proc: Audios CD's	7	0	89	29	24	1							150
Proc: DVDs/BRay	112	38	48	60	45	16							319
Proc: Books	282	202	187	262	205	295							1433
HobbyCollection/Tech	0	0	11	0	19	5							35
ILL snt/recvd	9	7	7	5	6	8							42
Audios Withdrawn/Hobby	0	61	71	6	21	0							159
Videos/DVD Withdrawn	0	0	48	1	8	1							58
Books Withdrawn	348	48	192	26	73	55							742
Patron Visits	3719	4138	4062	2669	2526	4390							21504
Curbside	5	7	3	530	178	64							787
Volunteers	109	124	185	217	191	229							1055

City of Emmett Police Department

City's Strategic Pillars

- Economically Vibrant and...
- Health-conscious city
- Legally compliant with all state and federal laws
- Performing its constitutional mission (protecting people and property)
- With adequate infrastructure for growth

Police Department Goals this Budget Year (with percentage of completion to date)

- **Retain 100% of Staff for no less than 5 years.**
- Proactively make residences and businesses along 1/5 of the main arterials in the city at least 80% ordinance compliant each year, in addition to reacting to citizen complaints; new arterials will be targeted each year (2020 4th Street). (20%)
- Update our reserve program with the newest policies and procedures directed by Idaho P.O.S.T. and double the number of officers. **(as of 1-10-22 hiring focus is on filling full time openings)**
- Updating **(99% complete)** and implementing **(36% completed)** a complete standardized protocols and policies manual utilizing current industry practices. This is a partnership with Lexipol that has been recognized in risk management for law enforcement.

Expenditures requiring authorization from higher and purpose of expenditure

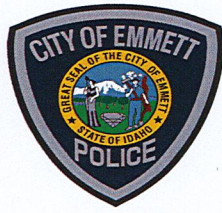
Training Last 30 days

See attached

- Officer Hall will be graduating from POST on April 15th.
- Will be meeting with a representative from the High School to go over newer lockdown procedures. SRO and Rep. from high school will be meeting before they do their first lock down drill of the school year. Scheduling lockdown for this month.
- IT has completed installment of e-citation and waiting for training in April before putting it in action. Training has started and a number of officers are in the beginning stages of implementing the program.
- Hayden Wright is in Phase II of FTO.
- Officer Harris has completed Phase I of FTO and will start phase II the weekend of the 15th.
- Officer Parker and Officer Leatherman have been assigned the duties of recruitment. 4 applicants will be starting the testing process at the end of the month.
- Have been working with Clint and JSE enterprises on an estimate for Police Department Remodel.
- Contacted manager Norm Collinsworth of Farmers Co-Op who will be posting no parking signs along canal banks and giving us approval to enforce signs and ordinances. This was approved by their board In April 7th.
- Mobile speed trailer is temporarily assigned to Johns Ave. until new digital speed limit signs are installed on Johns.

Plan for next 30 days

- Implementation of new lockdown procedure.
- Fire, public works and building will be meeting with John Wood to discuss Stony's.
- Working on getting Speed limit changed on Lincoln and Boise.
- Ordinance Focus Boise and Lincoln Ave.
- Researching yearlong grant that could fund a traffic officer through ITD.
- Will be putting on collection of fingerprint training for all patrol and deputies.
- Police Department join social media platform.
- Get officers trained in ABLE (Active Bystandership for Law Enforcement project).
- Installment of e-citation.
- Working on improving Alert sense with dispatch and process for reporting of missing children. Need to meet with Sherriff Wunder to set guidelines.
- Remodel of Police Department.
- Working with public works and county roads on getting the speed limit to be 25 on 12th street to the east of Washington.



EMMETT POLICE DEPARTMENT

March Patrol Statistics

	TOTAL
Felony Arrests - Male	3
Felony Arrests - Female	0
Misd. Arrests - Male	16
Misd. Arrests - Female	7
Traffic Stops	68
Infraction Cite	21
Dispatched Calls	320
Officer Initiated	52
Reports	60
Dogs Taken to Pound	4
Ordinance Calls	23

Community Involvement

Had an officer be the guest reader for Literacy Night at Shadow Butte Elementary.

Did a presentation for the pre-school at Butte View Elementary. Topic was the duties of a police officer.

Met with the Chamber multiple times discussing the upcoming Cherry Festival.

Met with REC District to plan Kids Parade for Cherry Festival.

Met with a representative from the Lions Club and started discussing Cruise Night.

Nature	Reported
Traffic Stop	21:43:07 03/31/22
Suspicious	21:42:20 03/31/22
Juvenile Prob	21:07:46 03/31/22
Runaway	16:29:04 03/31/22
Animal Cmplnt	13:09:36 03/31/22
Missing Person	12:45:31 03/31/22
Information	11:01:37 03/31/22
Welfare Check	09:43:22 03/31/22
Suspicious	06:38:49 03/31/22
Suspicious Veh	01:06:55 03/31/22
Domestic	21:26:00 03/30/22
Property Damage	19:53:48 03/30/22
DUI	19:08:25 03/30/22
911 AHM	14:02:34 03/30/22
Parking Problem	12:58:31 03/30/22
Tobacco Viol	12:09:05 03/30/22
Suspicious	11:39:08 03/30/22
Suspicious Veh	11:36:41 03/30/22
Found Property	10:22:00 03/30/22
Found Property	10:06:31 03/30/22
Public Assist	06:35:19 03/30/22
Traffic Stop	04:24:46 03/30/22
Welfare Check	21:59:21 03/29/22
Traffic Stop	21:36:10 03/29/22
Medical	21:18:17 03/29/22
Traffic Stop	20:53:25 03/29/22
Juvenile Prob	20:07:43 03/29/22
Disturb Peace	18:40:05 03/29/22
911 AHM	18:32:54 03/29/22
Traffic Stop	17:57:57 03/29/22
Medical	17:50:22 03/29/22
Suspicious	17:42:51 03/29/22
Juvenile Prob	17:35:37 03/29/22
Animal Lost	17:02:08 03/29/22
Child Abuse	16:50:16 03/29/22
Accident PD	16:29:02 03/29/22
Theft	16:04:28 03/29/22
Accident PD	15:44:02 03/29/22
Funeral Escort	13:24:29 03/29/22
Welfare Check	13:09:58 03/29/22
Public Assist	09:47:50 03/29/22
Livestock Horse	09:04:00 03/29/22
Juvenile Prob	08:19:41 03/29/22
Livestock Horse	07:25:06 03/29/22

Nature	Reported
Medical	21:41:10 03/28/22
Suspicious	21:18:06 03/28/22
Fraud	17:38:57 03/28/22
Warrant Arrest	15:11:55 03/28/22
Warrant Arrest	14:14:56 03/28/22
Stray Dog	12:26:07 03/28/22
Stray Dog	12:22:26 03/28/22
Open Door	12:14:52 03/28/22
Medical	11:42:45 03/28/22
Accident PD	08:29:39 03/28/22
Runaway	06:29:07 03/28/22
Runaway	01:48:13 03/28/22
Disturb Peace	23:15:23 03/27/22
Traffic Stop	19:52:19 03/27/22
Traffic Stop	19:25:37 03/27/22
Traffic Stop	18:55:22 03/27/22
Public Assist	17:22:53 03/27/22
Traffic Compl	16:43:28 03/27/22
Theft	15:42:04 03/27/22
Traffic Stop	15:20:12 03/27/22
Traffic Stop	13:19:20 03/27/22
Alarm Bus	06:01:54 03/27/22
Suspicious	01:23:38 03/27/22
Theft	23:48:42 03/26/22
Suspicious Veh	22:57:36 03/26/22
Traffic Stop	22:37:29 03/26/22
Alarm Bus	21:50:33 03/26/22
Curfew	21:30:25 03/26/22
Traffic Stop	19:37:23 03/26/22
Traffic Stop	19:16:19 03/26/22
911 AHM	16:06:22 03/26/22
Medical	15:54:16 03/26/22
911 AHM	15:20:49 03/26/22
Fire Brush	11:44:10 03/26/22
CPO NCO Viol	10:03:04 03/26/22
Suspicious Veh	00:17:52 03/26/22
Traffic Stop	23:02:51 03/25/22
Traffic Stop	22:39:01 03/25/22
Traffic Stop	21:55:56 03/25/22
Suspicious Veh	21:12:13 03/25/22
Fish & Game	20:31:26 03/25/22
911 AHM	19:09:51 03/25/22
Warrant Arrest	17:18:55 03/25/22
Suspicious	15:10:15 03/25/22

Nature	Reported
Agency Assist	13:11:48 03/25/22
Accident PD	12:43:02 03/25/22
Parking Problem	12:22:29 03/25/22
Parking Problem	11:09:15 03/25/22
Public Assist	10:16:24 03/25/22
Alarm Bus	08:33:15 03/25/22
Sex Offense	07:09:35 03/25/22
CPO NCO Viol	06:00:00 03/25/22
Medical	04:20:58 03/25/22
Prowler	02:07:15 03/25/22
Disturb Peace	21:47:14 03/24/22
911 AHM	21:43:37 03/24/22
CPO NCO Viol	21:18:20 03/24/22
Animal Cmplnt	20:31:22 03/24/22
Civil Compl	19:08:54 03/24/22
Search Warrant	18:24:25 03/24/22
911 AHM	15:47:42 03/24/22
Theft	11:46:45 03/24/22
Drugs POP	11:26:40 03/24/22
Suspicious	11:23:06 03/24/22
Disturb Peace	11:03:58 03/24/22
Accident PD	08:26:29 03/24/22
Curfew	03:16:54 03/24/22
Traffic Stop	01:07:18 03/24/22
Traffic Stop	22:29:38 03/23/22
Traffic Stop	22:01:11 03/23/22
Traffic Stop	21:34:00 03/23/22
Drugs POP	19:09:25 03/23/22
Ord Viol EPD	17:59:31 03/23/22
Probation Viol	16:07:43 03/23/22
Burglary	15:30:00 03/23/22
Theft	14:30:00 03/23/22
Runaway	13:26:25 03/23/22
Found Property	13:06:36 03/23/22
Harassment	12:51:00 03/23/22
Alarm Bus	08:31:09 03/23/22
Suicidal Subj	08:04:14 03/23/22
Traffic Hazard	06:25:29 03/23/22
Traffic Stop	04:08:20 03/23/22
Traffic Stop	23:23:23 03/22/22
Warrant Arrest	21:25:45 03/22/22
Traffic Stop	21:18:11 03/22/22
Drugs PCS	17:50:17 03/22/22
Traffic Stop	17:21:05 03/22/22

Nature	Reported
Drugs PCS	17:17:41 03/22/22
Trespassing	12:32:14 03/22/22
Theft	09:33:58 03/22/22
Suspicious Veh	22:24:08 03/21/22
Suicidal Subj	22:18:18 03/21/22
Unwanted Subj	21:05:55 03/21/22
Suspicious	20:50:40 03/21/22
Sex Offense	18:21:23 03/21/22
Medical	16:56:30 03/21/22
Fire Vehicle	15:42:27 03/21/22
Public Assist	14:17:10 03/21/22
911 AHM	14:11:29 03/21/22
Battery	13:55:00 03/21/22
Medical	13:42:36 03/21/22
911 AHM	13:28:00 03/21/22
Stray Dog	12:07:03 03/21/22
Medical	11:35:21 03/21/22
Theft	11:26:03 03/21/22
911 AHM	11:23:53 03/21/22
Funeral Escort	11:16:54 03/21/22
Public Assist	10:17:52 03/21/22
Traffic Compl	10:04:18 03/21/22
Traffic Stop	04:40:23 03/21/22
Traffic Stop	00:31:09 03/21/22
Suspicious	00:11:26 03/21/22
Traffic Stop	21:40:02 03/20/22
Traffic Stop	21:17:29 03/20/22
Medical	19:24:17 03/20/22
Ord Viol EPD	19:21:04 03/20/22
Medical	19:10:39 03/20/22
Suspicious	17:49:53 03/20/22
Medical	14:58:09 03/20/22
911 AHM	12:11:01 03/20/22
CPO NCO Viol	11:19:18 03/20/22
Alarm Fire	11:07:50 03/20/22
Accident PD	10:07:19 03/20/22
Suspicious Veh	02:44:14 03/20/22
Traffic Stop	22:12:36 03/19/22
Traffic Stop	22:11:08 03/19/22
Traffic Stop	21:26:11 03/19/22
Suspicious Veh	21:18:19 03/19/22
Traffic Stop	21:10:14 03/19/22
Suspicious	20:34:30 03/19/22
Traffic Stop	17:44:26 03/19/22

Nature	Reported
Public Assist	16:52:28 03/19/22
Civil Compl	14:17:31 03/19/22
Accident PD	12:47:26 03/19/22
Suspicious	11:27:11 03/19/22
Welfare Check	11:20:15 03/19/22
Traffic Stop	10:35:54 03/19/22
Public Assist	10:09:39 03/19/22
CPO NCO Viol	09:30:20 03/19/22
Parking Problem	07:55:06 03/19/22
Disturb Peace	01:05:40 03/19/22
Traffic Stop	00:54:07 03/19/22
Traffic Stop	00:32:16 03/19/22
Traffic Stop	00:16:41 03/19/22
Disturb Peace	23:48:36 03/18/22
Suspicious	23:45:26 03/18/22
Suspicious Veh	22:18:08 03/18/22
Disturb Peace	21:15:09 03/18/22
Traffic Stop	20:17:42 03/18/22
Suspicious	18:26:46 03/18/22
Drugs PCS	18:10:30 03/18/22
Stray Dog	16:50:17 03/18/22
Medical	16:45:56 03/18/22
Traffic Compl	14:25:00 03/18/22
Medical	13:48:18 03/18/22
Public Assist	11:39:10 03/18/22
Domestic	11:33:27 03/18/22
Animal Cmplnt	11:08:03 03/18/22
Extra Patrol	09:25:08 03/18/22
Agency Assist	09:08:41 03/18/22
Disabled Veh	07:10:20 03/18/22
Stray Dog	04:16:25 03/18/22
Traffic Stop	04:05:29 03/18/22
Suspicious Veh	02:46:45 03/18/22
Suspicious Veh	02:38:05 03/18/22
Suspicious Veh	00:18:30 03/18/22
Medical	00:06:14 03/18/22
Disturb Peace	22:31:44 03/17/22
Battery	21:50:55 03/17/22
Sex Offense	20:01:14 03/17/22
Juvenile Prob	19:45:18 03/17/22
Alcohol Viol	18:54:03 03/17/22
Traffic Compl	18:29:40 03/17/22
Ord Viol EPD	17:57:33 03/17/22
Medical	15:43:20 03/17/22

Nature	Reported
Parking Problem	14:22:01 03/17/22
Civil Compl	14:15:16 03/17/22
Sex Offense	13:48:30 03/17/22
Welfare Check	13:46:02 03/17/22
Welfare Check	13:43:56 03/17/22
Traffic Stop	13:40:54 03/17/22
Suspicious Veh	11:34:03 03/17/22
Medical	10:16:03 03/17/22
Accident HR	07:17:06 03/17/22
Mental Issue	05:34:13 03/17/22
Ord Viol EPD	01:24:17 03/17/22
Ord Viol EPD	01:07:23 03/17/22
Medical	22:48:06 03/16/22
Animal Lost	20:28:38 03/16/22
Stray Dog	20:15:43 03/16/22
Shoplifting	19:58:36 03/16/22
Traffic Stop	17:29:21 03/16/22
Drugs PCS	17:12:11 03/16/22
Stray Dog	16:21:59 03/16/22
Civil Compl	10:44:06 03/16/22
Public Assist	09:43:00 03/16/22
911 AHM	07:39:49 03/16/22
Traffic Stop	05:45:39 03/16/22
Traffic Stop	01:07:15 03/16/22
Suspicious	23:48:32 03/15/22
Medical	21:46:16 03/15/22
Threats	20:22:32 03/15/22
Animal Cmplnt	19:40:13 03/15/22
Welfare Check	16:07:59 03/15/22
Suicidal Subj	15:42:19 03/15/22
ABANDONED VEH	15:35:17 03/15/22
Drugs PCS	15:16:24 03/15/22
Agency Assist	12:41:13 03/15/22
Domestic	11:27:26 03/15/22
Traffic Stop	23:07:42 03/14/22
Agency Assist	21:35:36 03/14/22
Traffic Stop	21:08:21 03/14/22
Shooting Compl	20:58:36 03/14/22
Medical	20:49:23 03/14/22
911 AHM	20:34:05 03/14/22
Traffic Stop	20:32:56 03/14/22
Juvenile Prob	20:04:43 03/14/22
Medical	19:26:11 03/14/22
911 AHM	18:58:26 03/14/22

Nature	Reported
911 AHM	18:49:44 03/14/22
Welfare Check	18:34:58 03/14/22
Parking Problem	17:32:10 03/14/22
Drugs PCS	16:31:09 03/14/22
Traffic Stop	15:58:28 03/14/22
Medical	15:41:32 03/14/22
Theft-Automobil	15:06:19 03/14/22
Ord Viol EPD	14:12:06 03/14/22
Stray Dog	13:48:50 03/14/22
911 AHM	13:19:24 03/14/22
Stray Dog	11:03:18 03/14/22
Agency Assist	10:35:53 03/14/22
CPO NCO Viol	09:48:06 03/14/22
Medical	08:59:13 03/14/22
Trespassing	08:00:00 03/14/22
Assault	02:08:20 03/14/22
Warrant Arrest	23:22:37 03/13/22
Motorist Assist	22:17:18 03/13/22
Traffic Stop	21:56:10 03/13/22
CPO NCO Viol	17:28:31 03/13/22
Suspicious Veh	16:09:25 03/13/22
Animal Found	15:46:11 03/13/22
911 AHM	15:44:52 03/13/22
Medical	14:36:02 03/13/22
Welfare Check	13:43:53 03/13/22
Parking Problem	13:32:08 03/13/22
Medical	10:50:20 03/13/22
911 AHM	08:45:27 03/13/22
Domestic	04:04:09 03/13/22
Traffic Stop	23:29:07 03/12/22
Suspicious	18:24:52 03/12/22
Stray Dog	18:14:06 03/12/22
Threats	17:22:27 03/12/22
Child Abuse	17:12:52 03/12/22
Parking Problem	17:08:42 03/12/22
Child Abuse	17:00:00 03/12/22
Probation Viol	15:23:07 03/12/22
Animal Cmplnt	11:29:51 03/12/22
Child Abuse	09:47:24 03/12/22
Animal Cmplnt	22:50:47 03/11/22
Traffic Stop	22:25:54 03/11/22
Stray Dog	22:20:23 03/11/22
Traffic Stop	21:45:40 03/11/22
Traffic Stop	20:00:12 03/11/22

Nature	Reported
Suspicious	19:22:15 03/11/22
Suspicious	17:46:13 03/11/22
911 AHM	16:32:15 03/11/22
Juvenile Prob	16:12:20 03/11/22
CPO NCO Viol	15:53:20 03/11/22
Public Assist	15:21:20 03/11/22
911 AHM	15:07:14 03/11/22
Accident PI	15:03:14 03/11/22
Public Assist	14:35:10 03/11/22
Stray Dog	12:23:21 03/11/22
Public Assist	12:21:50 03/11/22
Public Assist	11:37:48 03/11/22
Funeral Escort	11:07:54 03/11/22
Suspicious	10:50:59 03/11/22
Medical	10:46:08 03/11/22
Trespassing	08:24:29 03/11/22
Shooting Compl	00:48:45 03/11/22
Traffic Stop	23:20:14 03/10/22
Domestic	22:44:19 03/10/22
Disturb Peace	22:33:22 03/10/22
Traffic Stop	20:59:14 03/10/22
Traffic Stop	20:27:52 03/10/22
Accident PD	18:55:33 03/10/22
Property Damage	18:18:17 03/10/22
Theft	17:59:06 03/10/22
Wanted Person	17:46:54 03/10/22
Suspicious	17:36:28 03/10/22
Probation Viol	16:32:10 03/10/22
Wanted Person	11:51:03 03/10/22
Traffic Stop	04:03:07 03/10/22
Suspicious	00:37:04 03/10/22
Motorist Assist	23:27:28 03/09/22
Traffic Stop	22:14:35 03/09/22
Traffic Stop	21:26:07 03/09/22
Welfare Check	16:17:56 03/09/22
Runaway	15:35:46 03/09/22
Welfare Check	11:37:46 03/09/22
Traffic Stop	10:40:50 03/09/22
Traffic Compl	10:33:42 03/09/22
Public Assist	10:17:02 03/09/22
Parking Problem	09:35:10 03/09/22
Welfare Check	08:49:38 03/09/22
Battery	21:22:10 03/08/22
Ord Viol EPD	21:19:18 03/08/22

Nature	Reported
911 AHM	20:57:00 03/08/22
Welfare Check	19:55:19 03/08/22
Shoplifting	18:36:19 03/08/22
False Report	18:28:04 03/08/22
Accident HR	17:18:07 03/08/22
Suicidal Subj	17:01:35 03/08/22
Animal Cmplnt	16:30:53 03/08/22
Warrant Arrest	15:35:36 03/08/22
Animal Cmplnt	14:29:45 03/08/22
Burglary	13:36:54 03/08/22
Found Property	13:23:59 03/08/22
Found Property	12:32:48 03/08/22
ABUSE VUL ADULT	11:14:14 03/08/22
Welfare Check	09:44:49 03/08/22
Littering	09:21:58 03/08/22
Suspicious	08:55:48 03/08/22
Disturb Peace	08:36:39 03/08/22
Juvenile Prob	08:22:43 03/08/22
Theft	08:07:51 03/08/22
TEST	07:34:00 03/08/22
Traffic Stop	07:24:48 03/08/22
Traffic Stop	02:35:30 03/08/22
Suspicious	22:06:07 03/07/22
Traffic Stop	21:20:33 03/07/22
Traffic Stop	21:03:08 03/07/22
Traffic Stop	20:33:58 03/07/22
Disturb Peace	19:19:46 03/07/22
Animal Found	18:15:11 03/07/22
Threats	16:04:17 03/07/22
Accident PD	16:00:47 03/07/22
Accident PD	15:57:46 03/07/22
Agency Assist	15:03:15 03/07/22
Agency Assist	14:14:07 03/07/22
Civil Compl	12:05:23 03/07/22
ABANDONED VEH	11:30:00 03/07/22
Identity Theft	07:55:53 03/07/22
Accident PD	20:25:19 03/06/22
Welfare Check	19:16:32 03/06/22
Civil Compl	19:10:14 03/06/22
Civil Compl	18:49:46 03/06/22
Accident HR	15:41:00 03/06/22
Public Assist	14:24:03 03/06/22
Public Assist	13:07:00 03/06/22
Public Assist	12:55:56 03/06/22

Nature	Reported
Information	10:53:40 03/06/22
Medical	08:34:54 03/06/22
Suspicious Veh	00:35:33 03/06/22
Fire Structure	23:29:36 03/05/22
Traffic Stop	23:17:37 03/05/22
Juvenile Prob	21:38:25 03/05/22
Traffic Stop	21:21:09 03/05/22
Medical	20:32:19 03/05/22
Juvenile Prob	18:43:31 03/05/22
Accident PD	17:19:52 03/05/22
Funeral Escort	13:06:59 03/05/22
Disturb Peace	12:33:45 03/05/22
Unattended Dth	12:12:55 03/05/22
ABANDONED VEH	10:17:53 03/05/22
Public Assist	10:11:31 03/05/22
Accident HR	10:06:10 03/05/22
Stray Dog	06:44:29 03/05/22
Traffic Stop	01:44:52 03/05/22
Traffic Stop	23:40:45 03/04/22
Welfare Check	22:17:35 03/04/22
Traffic Stop	21:59:39 03/04/22
Unwanted Subj	21:21:47 03/04/22
Traffic Stop	20:29:00 03/04/22
Battery	15:32:39 03/04/22
Tobacco Viol	14:56:25 03/04/22
Tobacco Viol	14:16:27 03/04/22
Public Assist	13:58:58 03/04/22
Public Assist	13:32:32 03/04/22
Threats	13:26:23 03/04/22
Traffic Compl	12:16:49 03/04/22
911 AHM	08:25:32 03/04/22
Accident PD	06:13:15 03/04/22
Traffic Stop	05:30:46 03/04/22
Traffic Stop	05:01:41 03/04/22
Welfare Check	23:45:32 03/03/22
Agency Assist	21:02:42 03/03/22
Public Assist	20:58:23 03/03/22
Lost Property	19:35:18 03/03/22
Sex Offense	17:27:40 03/03/22
Traffic Compl	16:45:54 03/03/22
Accident PD	16:11:28 03/03/22
Ord Viol EPD	12:33:44 03/03/22
Medical	09:00:57 03/03/22
Parking Problem	08:49:36 03/03/22

Nature	Reported
Medical	08:23:16 03/03/22
Ambulance TX	02:29:24 03/03/22
Suspicious	02:10:49 03/03/22
Animal Cmplnt	01:25:48 03/03/22
Warrant Arrest	22:01:45 03/02/22
Theft	21:37:03 03/02/22
Child Abuse	21:34:35 03/02/22
Alarm Bus	20:34:47 03/02/22
Custodial Int	18:18:18 03/02/22
Ord Viol EPD	17:48:06 03/02/22
Ord Viol EPD	17:40:24 03/02/22
Ord Viol EPD	17:31:25 03/02/22
Juvenile Prob	15:03:28 03/02/22
Theft-Automobil	14:46:43 03/02/22
Traffic Stop	11:59:53 03/02/22
Medical	11:18:13 03/02/22
Kidnapping	11:14:33 03/02/22
Livestock Horse	06:54:26 03/02/22
Accident PI	05:29:27 03/02/22
Domestic	05:16:33 03/02/22
Accident PD	02:33:42 03/02/22
Alarm Bus	00:24:54 03/02/22
Wanted Person	20:34:29 03/01/22
Traffic Stop	20:19:14 03/01/22
Agency Assist	19:19:41 03/01/22
Welfare Check	18:52:44 03/01/22
Welfare Check	17:39:08 03/01/22
Battery	17:19:34 03/01/22
Theft	13:56:42 03/01/22
Accident PD	13:19:34 03/01/22
Child Abuse	12:39:43 03/01/22
Disturb Peace	12:29:14 03/01/22
Child Abuse	12:12:27 03/01/22
Agency Assist	10:21:54 03/01/22
Medical	09:23:15 03/01/22
Traffic Stop	06:44:53 03/01/22
Traffic Stop	06:36:42 03/01/22
Traffic Stop	04:48:13 03/01/22
Alarm Bus	03:50:11 03/01/22
Suspicious Veh	00:22:35 03/01/22

City's Strategic Pillars
4/26/22

- Economically Vibrant and...
- Health-conscious city
- Legally compliant with all state and federal laws
- Performing its constitutional mission (protecting people and property)
- With adequate infrastructure for growth

PUBLIC WORKS GOALS

- Replace all water distribution lines less than 6" in diameter to meet mandatory minimum main line size requirement. **75%**
- Design for well #6 at City Park. **60%**
- Reduce I&I inside sewer collection lines to less than 50% of current rate per Sewer Capital Improvement Plan. **60%**
- Implement Airport Pavement, and Master Capital Improvement Plan. **50%**
- Start design on Wastewater Treatment Plant air piping **25%**
- Design Hawthorne Lift Station. **35%**
- Replace Utilities at Wardwell Loop. **15%**
- Create Cemetery Master Plan. **5% on hold**

EXPENDITURE REQUIRING AUTHORIZATION / PURPOSE OF EXPENDITURE

02/17/22 Solar Traffic Systems, Radar Speed Signs - \$5,378.00

01/21/22 TC Sales & Service, WWTP - \$40,344.00

TRAINING

None

ACCOMPLISHMENTS SINCE LAST REPORT

1. The final payment for the sidewalk repair project completed in 2017 was obtained from the final homeowner!
2. **Annual Residential Backflow Testing:** On April 1st, the 1st reminder letter was mailed out.
3. Repaired potholes in roadways
4. Cemetery and Parks have gone through irrigation lines in preparation for summer.
5. Survey monuments have reset on Johns Ave from 4th and 12th
6. Completed bridge report with ITD and Bridge Inspection Engineer

PLAN FOR NEXT 30 DAYS

1. Update: Locust St and Johns Ave intersection is temporarily open until paving can occur in spring
2. Sawtooth Land Survey has been contracted by the city to complete survey work on the Wardwell/McKinley Loop between 12/14/21 to 12/24/21 for the upcoming water/sewer replacement and road reconstruction.
3. South Johns Avenue Rehabilitation Project: Mailboxes are being set back in place. Landscaping and any retaining walls are next to be completed
4. Sewer manhole - grout and/or replacement for those leaking water
5. Repair bad water valves and water valve boxes
6. Water valve exercising for all water distribution valves.
7. Flushing for the next thirty days.
8. Upgrade fire hydrants older than 18 years.
9. Placing new digital speed signs on Johns Ave between 4th and 12th both north and south bound.
10. Placing new Rectangular Rapid Flashing Beacon Pedestrian Crosswalk System at the 4th St and Johns Ave roundabout.
11. Preparing WWTP for IDEQ inspection mid-April
12. Roads will be clearing storm drains of winter road debris with vac truck
13. WWTP flows will increase in early April. Plants are preparing for increase.

City's Strategic Pillars

- Economically Vibrant and...
- Health-conscious city
- Legally compliant with all state and federal laws
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Systems Admin Goals (with percentage of completion to date)

- Complete fiber optic network to inner city facilities. Airport in planning stage. **88% Airport & Locust Booster will be last major sites to complete. Airport in works with Fatbeam partner. Cemetery to be completed in Spring.**
- Migrate all servers to cloud over the next 5 years. **35% SysAdmin, Library, Public Works converted to SharePoint cloud storage. Will get clerks converted after FTTH pilot project.**
- Complete Geographic Information System mapping of all city infrastructure assets (ongoing). **80% Working on zoning items, especially for comp plan.**
- Convert city network from a bridged configuration to routed. **40% Initial plan and IP address scheme. Converted City Park, Highlands Booster, Fire Department, Industrial Park, and Tin building thus far.**
- ARPA Projects and Reporting completion. **18% Product procurement and initial plan for Locust Corridor. Also, first annual report.**

Expenditures requiring authorization from higher and purpose of expenditure

- None

Training last 30 days

No less than Top Ten Accomplishments since last report

1. Veeam backups setup on Synology file storage
2. Smart lock install at water plant
3. Datatel meeting for leasing rack space
4. Copy machine setup at Public Works
5. Research V7 for Mikrotik routers change over
6. Installation of 4 cameras at Waste Water Plant
7. Work with ACS for SCADA failover plan if offline
8. Phase 1 completion of Docufiber software development
9. Supply order for 2 new SCADA computer rotations
10. Veeam backup and replication cloud storage setup
11. Black Mountain software Word doc billing issue
12. Idaho Business Review interview on dig-once policies
13. Conference room microphone and camera issue
14. Spillman upgrade meeting and post op review
15. New Lumen rep meeting, cost review
16. CTC tower agreement Industrial Park
17. Veeam backup/replication server upgrade
18. Docufiber mapping agreement finalized

Plan for next 30 days

19.	Finalize fiber ordinance	20.	ARPA Treasury annual report
21.	Veeam O365 server setup	22.	12 th St fiber service cable pull fiber to the home
23.	Internet providers kickoff for fiber to the home	24.	Cemetery lighting and camera expansion
25.	GIS fiber mapping platform build (Docufiber)	26.	Cemetery fiber pull
27.	Upgraded battery backup for fire dept rack	28.	Develop recreation page for website
29.	GIS conduit lines for Legacy Heights Sub	30.	VMWare upgrade virtual servers clerks/PW