

CITY COUNCIL CALENDAR OF THE CITY OF KETCHUM, IDAHO

Tuesday, January 22, 2013, beginning at 5:30 p.m.

480 East Avenue, North, Ketchum, Idaho

Approximate starting time for each agenda item is indicated at left.



- 5:30 1. CALL TO ORDER
- 5:30 2. COMMUNICATIONS FROM MAYOR AND COUNCILORS.
3. COMMUNICATIONS FROM THE PUBLIC.
- 5:45 a) Communications from the public.
- 6:00 b) Sun Valley Marketing Alliance Quarterly Presentation. Tab 1
- 6:30 c) ARCH Open Door Funding Request. Tab 2
4. COMMUNICATIONS FROM CITY STAFF.
- 7:30 a) Report on Smokefree Ordinance Initiative - Lisa Horowitz, Community and Economic Development Director. Tab 3
- 8:20 b) Recommendation to amend the Fiscal Year 2012-13 Budget for Events Sponsorship Funding - Jennifer L. Smith, Director of Parks and Recreation. Tab 4
- 8:40 5. COMMUNICATIONS FROM THE PRESS.
6. AGREEMENTS AND CONTRACTS.
- 8:45 a) Reuse Water Pump Station Building Mechanical and Electrical Contract for Services - David Taylor, Wastewater Treatment Plant Supervisor. Tab 5
7. ORDINANCES AND RESOLUTIONS.
- 8:55 a) Ordinance 1102: An ordinance of the City of Ketchum, Idaho, enacting a new section to the Ketchum Municipal Code Title 9.24, to prohibit discriminatory acts in housing, employment and public accommodations based upon sexual orientation and gender identity/expression, establishing a purpose and policy declaration; establishing definitions, enumerating prohibited discriminatory acts; providing exceptions; establishing a Human Rights Board; providing due process including mediation, investigation, and hearing; providing a penalty provision; clarifying that this ordinance does not create a private right of action; providing a savings and severability clause, approving a summary of the ordinance; and providing an effective date. (Third Reading and Adoption) - Stephanie Bonney, City Attorney. Tab 6
- 9:00 8. CONSENT CALENDAR. Tab 7
- a) Approval of minutes from the January 7, 2013 Council meetings.
- b) Recommendation to approve current bills and payroll summary.
- c) Approval of 2012-13 Liquor, Beer and Wine Licenses.
9. EXECUTIVE SESSION to discuss personnel, litigation and land acquisition pursuant to Idaho Code §§67-2345 1(a) (b), (c) and (f).
10. ADJOURNMENT.

Any person needing special accommodations to participate in the above noticed meeting should contact the City of Ketchum three days prior to the meeting at (208) 726-3841.

This agenda is subject to revisions and additions. NOTE: Revised portions of the agenda are underlined in bold. Public information on agenda items is available in the Clerk's Office located at 480 East Ave. N in Ketchum or (208) 726-3841.

Check out our website: www.ketchumidaho.org.

City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



January 16, 2013

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

January 22, 2013 City Council Agenda Report

The regular Council meeting will begin at **5:30 p.m.**

3. COMMUNICATIONS FROM THE PUBLIC.
 - b) Sun Valley Marketing Alliance Quarterly Presentation.

Representatives from the Sun Valley Marketing Alliance (SVMA) will be present to update the City Council on the efforts of the Alliance. A staff report from Lisa Horowitz and a copy of the SVMA's presentation materials have been provided in the Council packet.

RECOMMENDATION: This item is for informational purposes. No recommendations are made at this time.

RECOMMENDED MOTION: None at this time.

This is a legislative matter.

- c) ARCH Open Door Funding Request.

ARCH is requesting to use \$100,000 from the Open Door Funds to acquire and renovate the Evergreen Apartments located at 141 Bird Drive in Ketchum. ARCH is also seeking waiver of fees and a letter of support from the City for use in a tax credit application process. A detailed staff report from Lisa Horowitz has been provided in the Council packet.

RECOMMENDATION: Staff has no recommendation at this time, and seeks direction from the City Council on these matters.

RECOMMENDED MOTION: None at this time.

This is a legislative matter.

4. COMMUNICATIONS FROM CITY STAFF.

- a) Report on Smokefree Ordinance Initiative - Lisa Horowitz, Community and Economic Development Director.

Smokefree Idaho, an organization advocating for a smokefree environment, recently contacted City staff and Councilmember David regarding a proposed Smokefree Ordinance for the City of Ketchum. Representatives from the Smokefree Idaho organization will be present to discuss a potential ordinance. A detailed staff report from Lisa Horowitz and related materials have been provided in the packet for Council review.

RECOMMENDATION: Staff has no recommendation at this time, and seeks direction from the City Council on this matter.

RECOMMENDED MOTION: None.

This is a legislative matter.

- b) Recommendation to amend the Fiscal Year 2012-13 Budget for Events Sponsorship Funding - Jennifer L. Smith, Director of Parks and Recreation.

The Parks and Recreation Department and the Community and Economic Development Department are recommending the creation of a budget appropriation within the Community and Economic Development Division of the General Fund for event sponsorships. Funding for the new \$30,000 appropriation would be realized from a transfer of funds from the General Fund Contingency. A detailed staff report from Jen Smith has been provided in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the Council authorize the initiation of a budget amendment to transfer \$30,000 from the General Fund Contingency account to a new "Events Sponsorships" account in the Community and Economic Development Division of the General Fund.

RECOMMENDED MOTION: *"I move to authorize the initiation of a budget amendment to transfer \$30,000 from the General Fund Contingency account to a new "Events Sponsorships" account in the Community and Economic Development Division of the General Fund."*

This is a legislative matter.

6. AGREEMENTS AND CONTRACTS.

- a) Reuse Water Pump Station Building Mechanical and Electrical Contract for Services - David Taylor, Wastewater Treatment Plant Supervisor.

The Wastewater Division is seeking Council approval of a Reuse Water Pump Station Building Mechanical and Electrical Contract for Services with Lloyd Construction, Inc. in an amount not to exceed \$242,000. The cost of this

project will be shared equally with the Sun Valley Water and Sewer District. A detailed staff report from David Taylor, Wastewater Treatment Plant Supervisor, has been included in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the City Council approve the Reuse Water Pump Station Building Mechanical and Electrical Contract for Services with Lloyd Construction, Inc. in an amount not to exceed \$242,000.

RECOMMENDED MOTION: *“I move to approve the Reuse Water Pump Station Building Mechanical and Electrical Contract for Services with Lloyd Construction, Inc. in an amount not to exceed \$242,000.”*

This is a legislative matter.

7. ORDINANCES AND RESOLUTIONS.

- a) Ordinance 1102: An ordinance of the City of Ketchum, Idaho, enacting a new section to the Ketchum Municipal Code Title 9.24, to prohibit discriminatory acts in housing, employment and public accommodations based upon sexual orientation and gender identity/expression, establishing a purpose and policy declaration; establishing definitions, enumerating prohibited discriminatory acts; providing exceptions; establishing a Human Rights Board; providing due process including mediation, investigation, and hearing; providing a penalty provision; clarifying that this ordinance does not create a private right of action; providing a savings and severability clause, approving a summary of the ordinance; and providing an effective date - Stephanie Bonney, City Attorney.

Ordinance 1102 proposes to prohibit discriminatory acts in housing, employment and public accommodations based on sexual orientation and gender identity/expression. The first and second readings of Ordinance 1102 were approved by the City Council at the December 3, 2012 and January 7, 2013 Council meetings, respectively. This agenda item is provided to facilitate the third reading and adoption of the ordinance. A staff report from City Attorney Paul Fitzer has been included in the packet along with a copy of Ordinance 1102.

RECOMMENDATION: Staff respectfully recommends the City Council adopt Ordinance 1102.

RECOMMENDED MOTION: *“Pursuant to Idaho Code 50-902, I move for the approval and adoption of Ordinance 1102, amending Title 9, Ketchum Municipal Code by addition of a new chapter, 9.24 entitled Discrimination Prohibited.”*

This is a legislative matter.

8. CONSENT AGENDA.

- a) Approval of minutes from the January 7, 2013 Council meetings.

Copies of the minutes from the January 7, 2013 Council meeting have been provided in the packet of Council review.

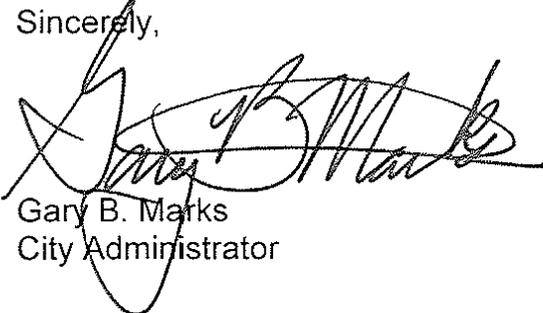
- b) Recommendation to approve current bills and payroll summary.

A list of bills for approval and the payroll summary have been included in the packet for Council review.

- c) Approval of 2012-13 Liquor, Beer and Wine Licenses.

Staff respectfully recommends the Council approve the 2012-13 Liquor, Beer and Wine Licenses listed in the packet.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary B. Marks". The signature is written in a cursive style with a large, sweeping initial "G".

Gary B. Marks
City Administrator

City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



January 15, 2013

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

Sun Valley Marketing Alliance Quarterly Presentation

Introduction/History

The Sun Valley Marketing Alliance was formed in June, 2010. The Contract calls for quarterly updates at meetings of the Ketchum and Sun Valley City Councils. The City of Sun Valley Was updated at their January 3rd, 2013 meeting. This is the same update for the City if Ketchum.

Current Report

The SVMA will be making a power point presentation with their update.

Financial Requirement/Impact

A financial commitment of \$450,000 was allocated towards this contract for services in the 2012/2013 Ketchum municipal budget.

Recommendation

There is no recommended action for the City Council: this item is informational at this time.

Sincerely,

Lisa Horowitz
Community and Economic Development Director



City of Sun Valley update: For the quarter ended December 31, 2012

January 3rd, 2013



Activities and Results from Q1



- Operational highlights are included as a separate attachment
- All winter campaign materials were completed and advertising campaign commenced
- Campaign includes:
 - Video
 - Searching for Sun Valley blog
 - Advertising – print, on-line, radio
 - Nordic niche campaign – print and on-line
 - Social media





Winter Campaign Results

Launch Video – Searching for Sun Valley

<http://vimeo.com/53456919>

- Well received, but lacking a viral quality or compelling hook to either be picked up by major outlets or to be shared amongst peers

- 2,567 views to date



Results – Blog



- Goal for the season = 25,000 visits for the winter season
- Visits from launch (October 15th) to January 1st:
 - 17,400 visits
 - Top destinations: Seattle, Boise, Denver, New York, LA, San Francisco
 - www.searchingforsunvalley.com

“I just wanted to let you know that you’re doing an awesome job with the blog, content, contests and photos. Really impressed. If you ever need any help in LA for the blog, please give a shout out”.



Searching for Sun Valley Contest Visit SunValley

- More than 1,900 entries + 416 weekly entries as of January 1st
- On track to far exceed goal of 2,500 entries
- Weekly prizes for your “Sun Valley Stash” are encouraging greater participation in the campaign
- Local companies are donating weekly prizes
- All entrants have been added to the consumer database



Social Media



- Sun Valley Facebook fans– just over 42,000
 - Same period 2011: 25,000 fans
 - Engagement at or above all competitors
- Twitter 2,700 followers
 - Same period 2011: 1,700 followers
- Instagram 500 followers (new in summer 2012)



Results



- Social Media – Facebook
 - Sun Valley continues to out-perform the competition when it comes to engagement
 - Snapshot from Tuesday, December 11th
 - Sun Valley – 41,456 fans; 36% engaged (15K)
 - Aspen- 41,500 fans; 9% engaged (4K)
 - Whistler – 125,600 fans; 12% engaged (14.7K)
 - Snowbird – 44,000 fans; 10% engaged (4.3K)
 - Jackson Hole – 103,000 fans; 11% engaged (11.5K)



Winter 2012-2013 Media Plan



1. National

- Print:
 - Skiing
- Digital:
 - Skiingmag.com
 - Outside – E-newsletter
 - Adventure-journal.com

- Digital:
 - Pandora.com
 - TetonGravity.com
 - Adventure-Journal.com
 - Outsideonline.com
 - Seattlemet.com
 - Weather.com
 - Ad Network (Travel Spike)
 - Re-targeting
 - TripAdvisor.com
 - Orbitz.com
 - Cheaptickets.com
 - Away.com
- Mobile:
 - Pandora.com
 - OntheSnow.com
- Social:
 - Facebook

2. Regional

- Print:
 - Boise Weekly
 - Seattle Met



On-line ad preliminary results

- Preliminary results (as of January 2nd, 2013)
- Tactical ads and brand ads performing almost equally; floodlight tags have been added to identify additional impact of ads
- Click through rate 3x the industry average
- 11 out of 14 sites performing better than the industry average
- Top sites: Pandora mobile; Onthesnow; TravelSpike; Skiingmag.com; weather.com (all 2.5 to 6 times industry average)



Results – Website Visits



- +36% Q1 vs Q1 last year
- Very strong increases in Boise, Seattle and Los Angeles (as well as New York and Denver)
- Top sites referring to visitsunvalley.com (based on floodlight tags): Pandora; TravelSpike; Weather.com; Trip Advisor; Skiingmag.com





SEARCHING ^{for}
SUN VALLEY
— .COM —

SUN VALLEY	Q
SUN VALLEY FRESH ARTS SCENE	
SUN VALLEY ADVENTURE TO ZEN	
SUN VALLEY TERRAIN AND VERT	
SUN VALLEY FUNKY SKI TOWN	

SEARCHINGFOR-SUNVALLEY.COM



ENTER FOR A CHANCE TO
WIN A TRIP TO SUN VALLEY



SEARCHING for SUN VALLEY

SUN VALLEY	Q
MOUNTAIN CONDITIONS	
SKI & STAY PACKAGES	
DIRECT FLIGHTS	
LODGING OFFERS	

90 MINUTES TO
FREE SKIING
DAY OF ARRIVAL,
WITH BOARDING PASS

VISITSUNVALLEY.COM



ENTER FOR A CHANCE TO
WIN A TRIP TO SUN VALLEY





SEARCHING ^{for} SUN VALLEY

- SUN VALLEY 
- PERFECT FLIGHTS
- MOUNTAIN CONDOS/SONS
- SKI & STAY PACKAGES**
- LODGING OFFERS

SKI & STAY
\$105
 FROM PER PERSON PER NIGHT

VISITSUNVALLEY.COM



ENTER FOR A CHANCE TO
WIN A TRIP TO SUN VALLEY



Nordic



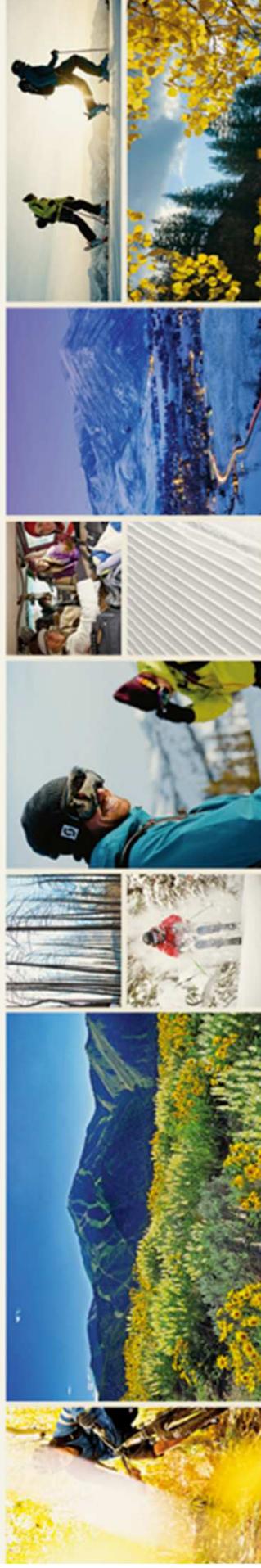
- Print ads and banner ads are complete and most are in market
- Additional coverage as compared to last year – addition of SkiTrax
- Click through rates are above industry average for four out of five sites.
- Best performing site is crosscountryskier.com followed by skitrax.com



Nordic



- Print
 - Master Skier – CC Ski Journal
 - Cross Country Skier
 - SkiTrax
- Digital
 - Ad Network (AdRoll)
 - Fasterskier.com
 - Masterskier.com
 - SkiTrax.com
 - Crosscountryskier.com





THE SUN VALLEY NORDIC FESTIVAL

9 days of Nordic celebrations plus the US Master's Nationals
January 26th to February 3rd, 2013

Searching for the ultimate winter get away?

This Sun Valley Nordic Festival is the perfect reason to visit "Nordic Town USA."

Coat up for nine days of Nordic events (including the renowned 32km Boulder Mountain Tour) and fun activities for all ages and abilities amid the pristine alpine backdrop of the Sun Valley area.

Of course you can turn your legs to rubber during our 200+ km of world class terrain, groomed to perfection, but it's our friendly little town, wowing you with its legendary hospitality, amazing dining and remarkable shopping that will leave you breathless.

Get a 9 day unlimited access trail pass during the festival for only **\$49**

sunvalley.com | www.usa-nordic.com





**THE SUN
VALLEY
NORDIC
FESTIVAL**



**Jan 26th
to Feb 3rd
2013**

Unlimited
access trail
pass for only

\$49

[MORE DETAILS](#)



**THE SUN
VALLEY
NORDIC
FESTIVAL**



**Jan 26th
to Feb 3rd 2013**



Visit **SunValley** Preliminary Sales Results for Q1

- Vacation Roost Revenue (accommodation sales through www.visitsunvalley.com)
 - Up 49% for Q1
- Hotel Occupancy
 - Up 6 points for Q1



Searching Sun Valley – 1,300 visits 12/2-12/4

ENTER THE CONTEST  

SEARCHING OF SUN VALLEY
[.COM](http://SEARCHINGOF.SUNVALLEY.COM)

NOV/2012

48" IN 72 HOURS- PINEAPPLES AND POWDER STRIKE SUN VALLEY.

Photo: Dr. Roberts



The all-time forecast of our competitors, however, Phoenix or other predicted weather based on the "Average" for the area. Productivity was low. There were some snowfalls in the morning. Over 48" of snow was predicted in the morning. 72 hours, something you just don't expect the first day of December. A meteorological phenomenon best described with a non-scientific term, a "Pineapple Express", was forecasted for early in the morning over the top of the mountain. The forecast was on the perfect trajectory to create the kind of storm that makes even your most weather-resistant equipment.

Sun Valley is that and forecast a win. Most average snowfalls outside the weather patterns depending on the snow conditions and it looked like we were going to get a major dose of snow. The other snow, rain, and deluge were more minor, you could see the difference in the air as an average snowfall and what the forecast had predicted. In each "year" with their individual systems. A massive storm of rain in the Pacific was getting forecasted on the forecast. Indeed major rain from the Pacific and Hawaii (intermittent) to the west of Phoenix, Oregon, and into the forecasted storm's forecast. And that's important. Oregon's forecasted rain is also on the map through the forecasted storm.



Teton Gravity Forums

The screenshot displays the Teton Gravity Forums website. At the top, there is a navigation bar with the forum's name and a search bar. Below this is a banner for Sun Valley ski resort, advertising a \$105 lift ticket. The main content area features a forum post titled "Avalanche Rescue in Sun Valley" by user "Red Blower". The post includes a large image of a skier in a snowy mountain landscape and two smaller images showing a skier in a blue jacket and another skier in a grey jacket. The forum post text is partially visible, mentioning "I found a ski and thinking about the post". The website footer contains contact information and a copyright notice for 2013.

- ## Events
- Ride Sun Valley 2012 (June 29 – July 7)
 - Features Marathon MTB National Champs
 - Adding beer and food festival
 - Strategically scheduled with MASSV
 - SolFest March 22-24- Rev Tour and Weekend for College Students- live music, events, 3 for \$99 lift tickets
 - Recruiting US National Obstacle Race Champs
 - Working on major winter event for 2014



Membership News



- 2013 schedule of meetings on website
- Membership drive
 - 245 members to date (242 total last year)
 - Have started removing non-members from the website and visitor center
 - Continuing new member recruitment



Financials



- On track as per approved budget with only a few minor variances
- Nordic campaign: anticipate coming in slightly over budget
- Mobile Website: increased budget to account for provision of XML feeds to automate data population



Upcoming for Q2



- Continued placement of both brand and tactical ads through the end of March
- Continued refining of campaign as results become available and as the snow continues to fall
- Beginning general campaign planning for summer, mountain biking and next winter
- Continued focus on event solicitation
- Planning for Ride Sun Valley
- Developing new agency relationship



Contract Update



City of Sun Valley request:

- inclusion of non-members on www.visitsunvalley.com with category of business, name, address, phone number and website address. It was suggested that we simply provide the website address, but not a link to the business as that is a key membership benefit

Issue:

- Most browsers will automatically hyperlink the address; non-members would be receiving the same benefits as many paid members





Visit Sun Valley

Strategic and Operational Plan Summary

2012/2013





Visit Sun Valley 2012/2013 Strategic Plan Summary

This document provides an overview of Visit Sun Valley's detailed strategic and operational plan for 2012/2013.

Background:

The past few years have been extremely challenging ones for Sun Valley. Visitation and skier visits have declined significantly at the same time that access has become even more challenging.

Sun Valley has been on a gradual decline as new resort players have entered the marketplace. The competitive environment is such that resort-goers have numerous options to choose from. Further adding to the competitive challenge is the lack of marketing presence that Sun Valley has had for decades. While other mountain resort destinations have committed to multi-million dollar marketing budgets across numerous target markets, Sun Valley has been more of a "regional player" in the marketplace with restrictive budgets allowing for minimal coverage in very few markets.

The lack of significant marketing funding is further exacerbated by an absence of other partners that are active in the tourism marketing space. The Sun Valley Resort has been more focused on operations and infrastructure with only a small portion of their budget and human resources allocated to marketing. As well, there is a lack of flagship hotels in the area that would provide an injection into the marketing presence through their own efforts.

In light of these challenges, an even bigger challenge exists, and that is the lack of a dedicated funding source for tourism marketing. Currently, the marketing organization for the area (Visit Sun Valley) has been receiving a portion of the local option tax from the cities of Sun Valley and Ketchum. However, this is not a set percentage nor is it established as an on-going funding source.

Finally, Sun Valley has become more dependent on the regional market. This leads to overall lower yields, as the regional market is less likely to spend as much money on products and services such as ski lessons, accommodation and restaurant meals.



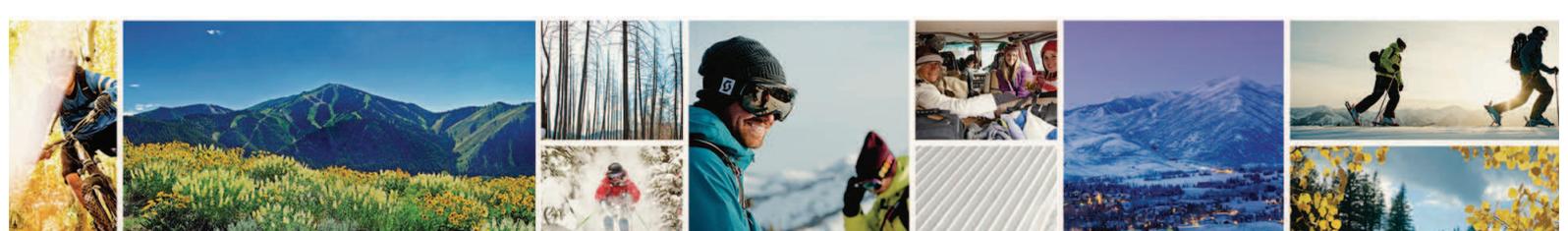
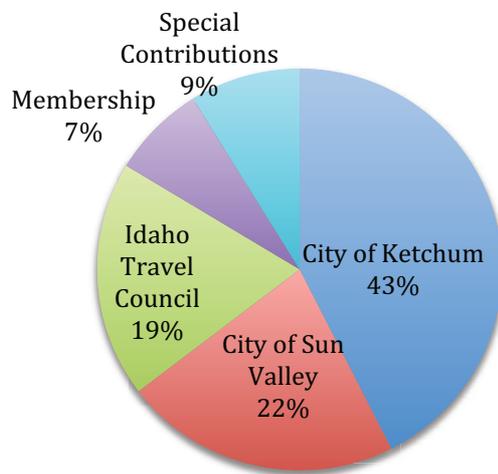


Budget and Financial Outlook:

One of the big contributors to the lack of performance of Sun Valley in recent decades is a corresponding lack of marketing. The budget of the organization responsible for external marketing has not only stagnated - it has decreased over the years. It is no surprise then that Sun Valley's competitive position has declined, as has its overall awareness amongst skiers and other vacationers.

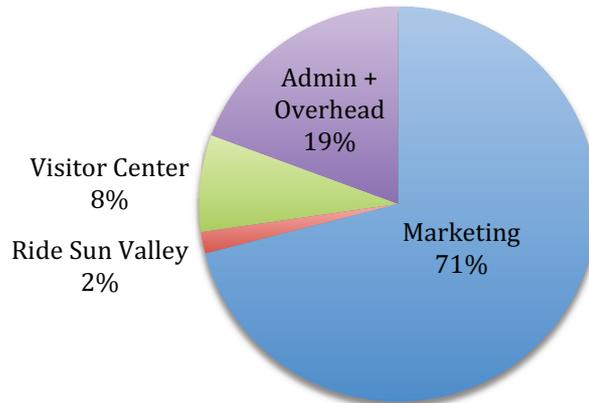
The following two charts illustrate the sources of revenue and budgeted expenses for the coming year. Marketing (including advertising, promotions, PR and social media) and visitor events/services represents just over 80% of the total budget while administration and overhead (including rent, other office expenses, membership related expenses and administrative salaries) represents just under 20%. The special contributions noted under 2012/2013 revenue refer to: (a) a one-time carry-over of \$75,000 from the Ride Sun Valley Bike Festival and (b) a one time contribution of \$25,000 from the Sun Valley Resort to help offset the \$106,000 budget cut from the City of Sun Valley.

Visit Sun Valley Sources of Revenue 2012/2013





Visit Sun Valley Budgeted Expenses 2012/2013



Target Markets:

Visit Sun Valley focuses on target markets based on geography, demographics and psychographics.

Geographic Target:

The determination of geographic markets is based on two key factors: budget and access. A relatively small budget determines the number of geographic markets that can be targeted, while access (air or drive) determines those markets most likely to visit.

For 2012/2013, based on an overall budget of just over one million dollars, the following geographic markets will be targeted in both winter and summer – Seattle, Los Angeles and Boise/regional. It is essential that a strong focus be placed on Seattle and Los Angeles so that the minimum revenue guarantees that are being shouldered by the Sun Valley Resort can be minimized. The job of Visit Sun Valley is to create demand that will translate into passengers for these purchased flights and visitors for the Sun Valley area.

The Boise/regional market is also an important market, particularly during times when seasonal flights are not available from Seattle and Los Angeles. These close-in markets are able to travel easily to Sun Valley by car and can be influenced by a local event or special offer.





Demographic (age) Target:

The demographic target is primarily focused on the 35 to 55 age group; however, the passions and interests of a potential visitor supersede any age criteria, as identified in the subsequent section.

Psychographic Target:

Psychographics refer to personality, values, attitudes, interests and lifestyles. This is the area where Visit Sun Valley is truly focused. For example, anyone who defines themselves as a skier/snowboarder/Nordic skier would be part of the target market, regardless of age. The following areas reflect Visit Sun Valley's primary focus:

- Alpine skiers/snowboarders
- Mountain Bikers
- Nordic Skiers
- Summer - recreation and culture seekers

Purpose, Mission and Vision:

I. The purpose of Visit Sun Valley is:

- To undertake strategic marketing
- To run the Visitor Center
- To execute Ride Sun Valley and the US National XC Marathon Championships (2013 and 2014)*

II. The mission of Visit Sun Valley is:

- To raise awareness of Sun Valley in an effort to increase demand and visitation to the area for the benefit of all member businesses and stakeholders

III. The vision of Visit Sun Valley is:

- To execute world-class marketing programs in our key target markets through innovative, strategic initiatives that enhance our competitive advantage

**Visit Sun Valley inherited the US XC National Championships from the previous organization. While the overall mandate of the organization does not include event production, Ride Sun Valley is a current exception.*





Overall Goals:

- *To increase brand awareness and understanding*
- *To attract a younger demographic*
- *To increase visitation (sales), particularly in the winter*

Overall Objectives:

- To increase overall qualified awareness of Sun Valley from 13% to 15%
- To increase top-of-mind awareness amongst destination skiers in California from 1% to 2% and amongst Washington State skiers from 9% to 10%
- To increase awareness of Sun Valley amongst the under 55 age group by two points
- To increase occupancy by two points
- To increase local option tax collected by 2%

Operational Plan Summaries

External Marketing:

As previously iterated in the purpose, mission and vision, the primary function of Visit Sun Valley is to execute externally focused marketing programs in key target markets.

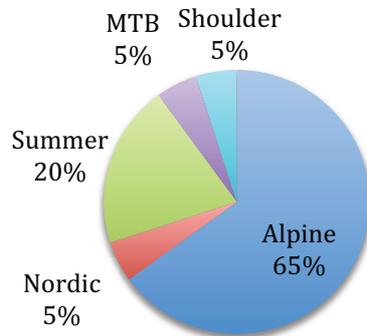
Visit Sun Valley's marketing budget must be split in several different ways. First, the budget is divided by product sector and corresponding season. It must further be divided by brand versus tactical in each of these categories. Finally, within these breakdowns of product, season, brand/tactical, the budget must also be split to address priority geographic target markets.

The approximate distribution of Visit Sun Valley's marketing budget by product sector is illustrated in the following chart.





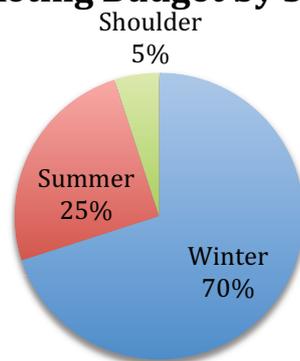
Marketing Budget by Product Sector



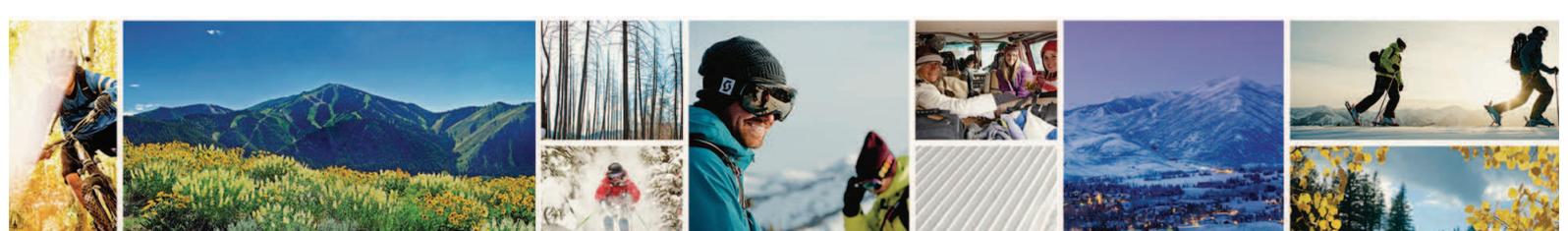
These determinations are based on a number of key factors. For example, the cost of accessing niche markets such as Nordic skiing and mountain biking are much lower than the cost of accessing more mass markets such as alpine skiers and recreation/culture enthusiasts due to the more targeted nature of these niche communities.

The corresponding seasonal breakdown is 70% winter, 25% summer and 5% shoulder season (new this year). The seasonal breakdown reflects the period of greatest need (Winter) and potentially the greatest return on investment. Visitors in the winter spend money on the mountain as well as in town and typically have a higher yield than summer visitors. Further the Sun Valley Resort has a strong focus on summer group business, which provides an additional injection into the overall summer marketing and sales budget for the area.

Marketing Budget by Season



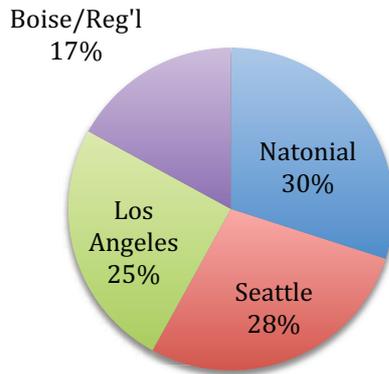
The geographic breakdown of Visit Sun Valley’s budget is a mix of location specific and niche specific markets. For example, when advertising in a Nordic publication, a ski/snowboard publication or website, or mountain biking specific media, those properties typically have a national reach. The following chart therefore includes “national” to reflect





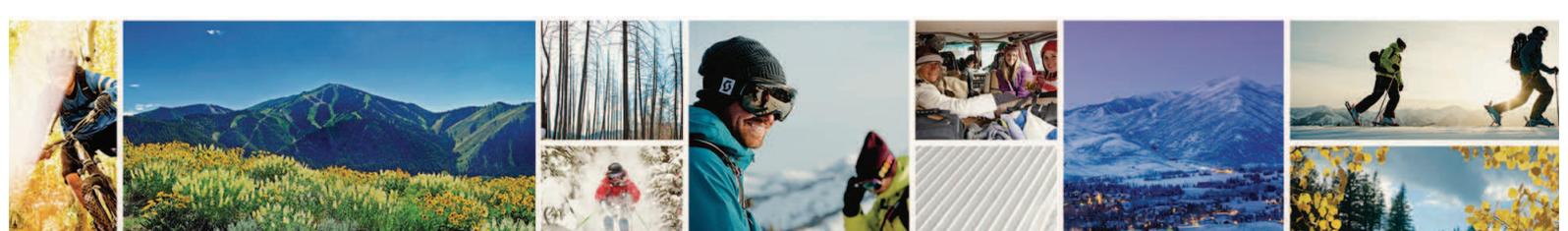
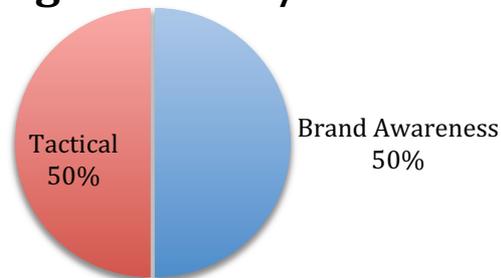
the vertical publications and websites, as well as pay per click advertising (PPC) and retargeting.

Marketing Budget by Geographic Market



As identified in the overarching goals, Visit Sun Valley must serve the dual purpose of inspiring and informing potential visitors of everything Sun Valley has to offer while at the same time trying to encourage immediate travel to the area. Given that Visit Sun Valley does not control a product or pricing, the transactional success depends in large part on the offerings of members. Further, Visit Sun Valley can only promote an offer that is relevant to more than one member. Typically, the role of a destination marketing organization is new business development, or furthering the brand recognition of the destination. As such, the goal for the future should be to increase the percentage of the budget that is being spent on brand awareness advertising relative to tactical advertising. This is particularly important in a destination such as Sun Valley where there is very little brand awareness advertising in the marketplace. For the current year, the maximum threshold of 50% tactical advertising will once again be utilized.

Marketing Budget - Brand/Tactical Split



Visit SunValley

While the bulk of Visit Sun Valley's advertising will be focused on digital media (to maximize both the budget and measurement of results), the goal is to utilize a mix of traditional and non-traditional media to best achieve the stated marketing goals within the allocated budget. In some cases, purchased media may be secondary to earned media, if there is a hook that will create interest (such as was the case with last year's "Skip Town" promotion). Visit Sun Valley will look for these types of opportunities, as the potential win can outweigh the risk. With a small budget, the only way to stand out is to take chances on doing something innovative and unique. Visit Sun Valley will also look to partnerships with industry partners and like-minded companies to extend the external reach of marketing programs (for example, the Idaho Travel Council, The Sun Valley Resort, local businesses, etc.).

Marketing Goals:

- *To stand out amongst the competition with all of our campaigns*
- *To develop innovative marketing campaigns that connect the Sun Valley brand with consumers in a meaningful way*
- *To connect with potential customers at all stages of the purchase cycle*
- *To leverage marketing investment by maximizing partner relationships (industry; tourism; local) to extend reach of marketing programs.*

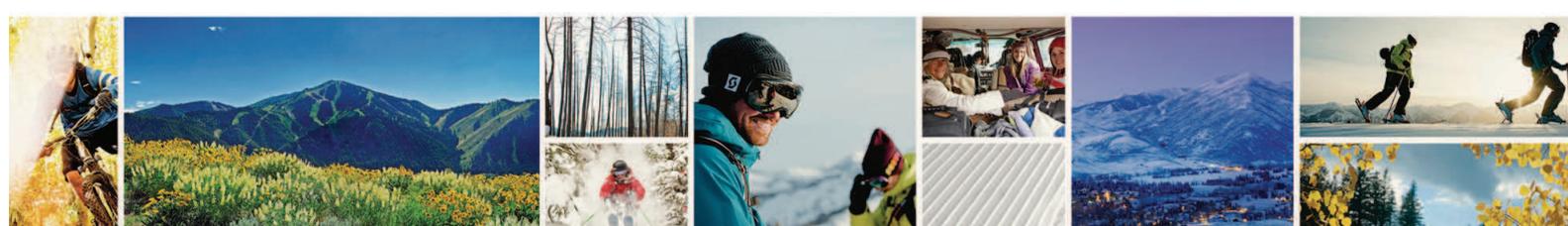
Marketing Objectives:

- To create five campaigns (based on product categories) that contain at least one unique element as compared to prior and competitor campaigns
- To execute at least one bi-annual research study to understand external perceptions of the Sun Valley brand
- To develop an optimal mix of inspirational and transactional (tactical) messaging, with a maximum ratio of 50% for transactional advertising
- To utilize a minimum of four partner relationships to extend marketing reach by a minimum of two times the Visit Sun Valley investment.

Public Relations

PR is a critical component of the marketing outreach for Visit Sun Valley. In order to leverage a relatively small budget, Visit Sun Valley needs to garner earned media to gain significant exposure. This can be done in a number of ways, including the following:

- A unique PR "stunt" that draws attention to the destination in an unusual and compelling way. For example, the "Skip Town" promotion that was launched last summer focused on something that was both topical (connection of the virtual





environment to the actual physical environment) and unique (nothing like this had been done before). This promotion resulted in an unprecedented 2.7 million dollars of PR coverage for Sun Valley along with exposure to a new and relevant audience (the tech crowd). To put this in perspective, the ad equivalency of this 5-day promotion nearly doubled the annual coverage for the area.

- Hosting editors and writers so that they experience the destination first hand. Again, a significant hook is required to compel both the visit and any resulting coverage.
- Ongoing outreach, including the development of personal relationships, dissemination of press releases, etc.

With limited resources available for PR, Visit Sun Valley must be extremely targeted with outreach and must engage community partners to ensure success for the area.

Public Relations Goals:

- *To increase the visibility of Sun Valley in the media*
- *To increase earned media coverage of Sun Valley*

Public Relations Objectives:

- To secure two major pieces of coverage in winter-oriented outlets
- To secure two major pieces of coverage in bike/outdoor outlets
- To increase arts and culture media contacts by 10%
- To achieve \$3.3M of advertising equivalency
- To increase visitation to media and press page of Visit Sun Valley website by 20%
- To add 100 contacts to media database

Social Media:

Visit Sun Valley's social media program consists of Facebook, Twitter, Pinterest, Instagram and a newly implemented on-going blog.

Over the past year, significant improvements were achieved with Facebook. These improvements occurred as a result of combining Visit Sun Valley's Facebook efforts with those of the Sun Valley Resort. This has proven to be a very effective strategy for both visitors and the community. Facebook fans tripled over that time period to over 40,000.

The other properties remain Visit Sun Valley properties. Over the past year, the focus on Twitter has not been quite as strong as the focus on Facebook; however, moving forward, the focus on Twitter as well as the newer properties of Pinterest, Instagram and the blog will all increase.





Social media provides an excellent platform for visitors to share their experiences and pass along positive word of mouth to potential visitors. Sun Valley's followers tend to be highly engaged and are great ambassadors for the area. The challenge will be to continue to populate these properties with engaging, interesting content to keep the momentum going.

Social Media Goals:

- *To increase the quality, regularity and volume of fresh and engaging content for social media platforms*
- *To utilize social media to increase visitation to www.visitsunvalley.com*

Social Media Objectives:

- To grow Facebook Fans by 18% in 2013 = approx. 46.5K
- To grow Twitter followers by 40% in 2013 = approx. 3,570
- To grow Instagram followers to 1000 in 2013 = approx. 300%
- To grow Pinterest followers to 1000 in 2013 = approx. 1000%
- To increase web traffic to the blog (currently "Updates") page of Visit Sun Valley's website by 20%

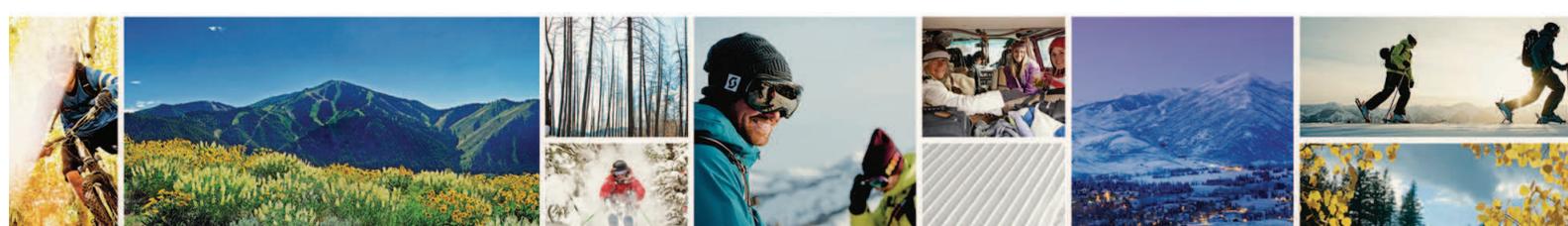
Events:

Events provide exposure for first-time visitors who may not have experienced Sun Valley otherwise. This is particularly true for established events that come with their own following – such as the US National XC Mountain Biking Championships.

Events also animate the destination and project a fun and vibrant image to visitors. While the event may not have been the reason for a visitor's trip, the contribution of the event to the overall experience can be a reason to return and/or may lead to positive word of mouth.

Sun Valley is home to many events of all sizes and genres. Most are on a local or regional scale and occur primarily during the summer. With the exception of Ride Sun Valley and MASSV, the majority of the larger events are focused on the arts and culture or sporting events which attract a somewhat older visitor. These excellent events, while vital to the local economy, fail to attract a younger visitor.

So, while Sun Valley has a plethora of events in the summer and early fall, there is an opportunity to attract events in the winter and early/late shoulder seasons to help build visitation in those softer periods and to expose new visitors to Sun Valley. Strategically, these events should speak to a younger demographic and highlight the outdoor recreation of the area.





Event Tourism Goals:

- *To increase visitation to Sun Valley by securing a new winter or shoulder season event*
- *To work with partners to build SolFest into a spring anchor event which draws junior high, high school and college age kids and families to Sun Valley*
- *To build Ride Sun Valley into a regionally renowned, can't miss week*
- *To promote existing events externally to grow visitation*

Event Tourism Objectives:

- To secure one winter event which features skiing/snowboarding for 2014 or beyond and/or one shoulder season event
- To increase SolFest out of area attendees by 100, using sales of Sun Valley Resort's 3 for \$99 lift tickets as a gauge of success (pending confirmation by Sun Valley Resort)
- To increase Ride Sun Valley event participants by 10%
- To increase 2012 Marathon National Championships (compared to previous host, Bend, OR) entrants by 10%
- To assist a minimum of 11 event organizers and promote 40+ event days

Visitor Services:

The Sun Valley Visitor Center has moved four times over the course of eight years, finally getting a designed-for space that opened in the fall of 2011. However, the space is now shared with another business— currently Starbucks. While the architects and designers worked together to create a beautiful and functional coexistence, the opening was met with more than its fair share of critics from the community. The negative politics of the Visitor Center sharing a space with a for-profit business overshadowed the improved modernization and aesthetic of an aging building. However, visitors have been nothing but pleased both with the location and the appearance; visitor numbers are up dramatically.

In addition to the physical Visitor Center, there are other mechanisms in place to serve potential visitors. These include a "Contact Us" form on the website, the 1-800 number and a "Live Chat" function that allows visitors to ask questions real-time with a Visitor Center Agent.

Visitor Center Goals:

- *To increase the physical presence of the Visitor Center within and outside the building*
- *To increase membership presence in the Visitor Center*





- *To increase website ease-of-use and content for visitors*
- *To provide exceptional customer service to all visitors and potential visitors*

Visitor Center Objectives:

- To fully utilize 50% of the designed space as a clearly recognizable Visitor Center
- To increase membership presence from 50% to 75%
- To develop a mobile phone optimized site by the end of December 2012
- To provide event information for at least 6 months in advance
- To operate the Visitor Center year-round; 365 days per year
- To respond to "Contact Us" visitor emails within 24 hours of receipt on weekdays and 48 hours of receipt on weekends
- To operate the "Live Chat" for a minimum of 6 hours per day on weekdays

Member Services:

Membership has been a challenging area for Visit Sun Valley. The dissolution of the Chamber of Commerce and subsequent formation of Visit Sun Valley (known also as the Sun Valley Marketing Alliance - SVMA) caused a lot of confusion amongst past Chamber members who were now becoming Visit Sun Valley members.

There is clearly a need to continue to provide excellent member benefits through our marketing programs and to continue to enhance communication of those activities to the membership. This year will be a year of continued focus on member engagement and communication.

Member Services Goals:

- *To retain our existing members and attract new members*
- *To increase member engagement*

Member Services Objectives:

- To increase the number of members by 14% by the end of September 2013 (from 242 to 275)
- To retain 90% of the existing 242 members
- To increase member open rate of weekly newsletter from 27% to 35%



City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



January 15, 2013

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

ARCH Open Door Program Change Request

- Attachment 1: Open Door Scattered Site Housing Resolution 09-021
- Attachment 2: Letter from ARCH regarding Evergreen Apartments Tax Credit HOME proposal
- Attachment 3: Minutes from the August 13, 2012 City Council Meeting

Introduction/History

The City has partnered with ARCH, a nonprofit housing trust, to create additional community housing in Ketchum. One of the programs created by ARCH is the "Open Door" Program, a program designed to purchase distressed housing units, contract for renovations, deed-restrict the units and sell them to qualified buyers working in Ketchum or the north valley. ARCH approached the City about this program in 2009. Attachment 1, Resolution 09-021 attached to this report summarizes early workshops and the pilot program. The City allocated \$125,000 in March of 2009 towards the effort. In May of 2010, ARCH requested an additional \$70,000 due to the costs of the specific unit under consideration on Sabala Street in West Ketchum. The Council in their deliberations indicated a desire to have the funds continued to be used for projects of this type. The unit at 209 Sabala has been renovated and sold to a qualified buyer. These funds are currently being used towards the purchase of a Parkside Unit. There will be revolving funds from this transaction similar to the Sabala project.

Current Report

Michelle Griffith, Executive Director of ARCH, is seeking permission to pursue another project with a portion of the \$130,000 recently committed by the City. ARCH is partnering with a for-profit housing developer, New Beginnings Housing, to apply for Low Income Tax Credits and HOME funds to acquire and renovate the Evergreen Apartments located at 141 Bird Drive in Ketchum. If the tax credits are awarded the team proposes to renovate the existing 11 apartments,

and add 7 or 8 additional units. ARCH made the following requests at the January 7th City Council meeting:

- 1) To use \$100,000 of "Open Door" funds towards the purchase of the land, and as a "match" for the HOME funding (addressed in this report), and;
- 2) A waiver of fees in accordance with 15.12.030.C of the Ketchum Municipal Code. This section of the City's code allows the Council to exempt community housing projects from development impact fees, and;
- 3) A letter of support from the City for the tax credit application process.

At the January 5 Council meeting, the Council voted to give a letter of support to ARCH for a tax credit application, and delayed discussion of the other two requests pending some feedback from legal counsel. The timing of this letter was not discussed. The Council deferred a decision on the second two items listed above to allow staff time to research the costs of the development impact fees. (See minutes elsewhere in this packet).

Additional background: the Council first considered this request at their August 13, 2012 meeting (minutes attached). The Council discussed giving their support for this application in the February 2013 tax credit round, so as not to compete with Washington Place in the September 2012 application round, and to allow the Evergreen project additional time for community meetings. The City found itself in a unique circumstance in August 2012, with the ARCH project proposed to compete in the same September 2012 tax credit application round as Washington Place. (Washington Place is the tax credit project proposed at 211 First Street, on land purchased by the Ketchum Urban Renewal Agency in 2006 for community housing purposes.) Washington Place competed in the September, 2011 tax credit application process, but the project was not successful in that round. Changes were made to the application based on feedback from Idaho Housing Finance Association, and the project was resubmitted in the September 2012 application round. The September 2012 application was initially denied for funding by IHFA, but an appeal process is underway, with a decision expected this month. If the appeal is granted, then the City will be in a position of having two projects in Ketchum directly competing for limited tax credit funds.

Request #1: Use of "Open Door" funds for the Evergreen Rental Project

The City approved the Open Door Program (Resolution 09-021) as a program for home ownership. The request would shift these funds towards a rental project. The City does not have any other dedicated funds allocated towards home ownership programs. The majority of the ownership units in Ketchum have been dedicated through the development process. The only exception is the units developed in the Open Door Program. The Council should discuss the merits of

allocating \$100,000 of the \$190,000 allocated to date towards the Open Door Program for rental housing versus purchase housing.

At this time, there is not a secure revenue stream for the City's Housing In Lieu Fund. The construction of one of the new hotels would create a revenue stream for home ownership through the Voluntary Real Estate Transfer Fee established in the various development agreements. These revenues are realistically 4 or more years in the future, once a hotel is operational and selling the residential portions of the project.

Request #2: Waiving of Development Impact Fees. Section 15.12.030.C of the Ketchum Municipal Code allows the Council to exempt community housing projects from development impact fees. Development impact fees are applied to new construction only, not to remodels of existing buildings. Similarly, if units are demolished and re-built within one year, the fees are not charged.

Based on the calculations provided by ARCH of between six (6) and eight (8) new units, the development impact fees eligible to be waived by the Council are in a range of \$79,528 to \$97,704.

Timing of Letter of Support

As a general rule, the City of Ketchum has supported all affordable housing projects, and has generously provided letters of support whenever requested. For tax credit applications, letters of support are encouraged in the application guidelines. The Council voted to send a letter of support for the ARCH Evergreen Project at the January 7, 2013 Council meeting, but did not discuss timing of that letter relative to competing projects.

Gates Dunaway, the City's former Housing director and a Tax Credit consultant, has found that some cities support all projects that come forward in a timely manner, and other cities develop criteria or other policy guidelines in the event of multiple applications in the same cycle.

It is hoped that there will be an update as to the status of Washington Place available by the January 22nd meeting, so that the Council can make the policy decision whether to "support all projects equally" or to "sequence" support of the projects based on the financial and other commitments already made by the City and the KURA to the Washington Place project. Staff needs direction from the Council on the timing of the letter of support for the ARCH project.

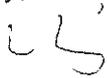
Financial Requirement/Impact

The Housing In-Lieu Fund currently contains \$77,268.65, which does not include the \$130,000 allocated towards the Open Door Program. Of the \$77,342 estimated for the fund in the 2012/13 budget, \$70,000 is committed to the Blaine County Housing Authority, leaving a balance of \$7,342 at the end of this fiscal year.

Recommendation

Based on the sensitive nature of this issue, the Mayor has advised that there not be a staff recommendation at this time. If additional information on becomes available, a recommendation will be brought to the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'LH'.

Lisa Horowitz
Community and Economic Development Director

ATTACHMENT 1

RESOLUTION NUMBER 09-021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO AUTHORIZING THE EXPENDITURE OF UP TO \$125,000 FROM THE HOUSING IN LIEU FUND FOR A PILOT HOUSING PROJECT IN COLLABORATION WITH THE KETCHUM COMMUNITY DEVELOPMENT CORPORATION AND ARCH FOR THE PURCHASE OF EXISTING HOUSING UNITS KNOWN AS THE OPEN DOOR PROGRAM.

WHEREAS, the Council is committed to thoughtful, systematic expenditures from the housing in-lieu fund that will further the City's housing goals and programs; and

WHEREAS, ARCH, a local non-profit housing land trust has proposed a public-private partnership whereby the City, ARCH and the Ketchum Community Development Corporation (KCDC) partner to buy down existing housing units and deed-restrict these units through the Open Door Program, as outlined in Attachment A; and

WHEREAS, a workshop was conducted on February 27, 2009, whereby the Council and the public discussed the proposal; and

WHEREAS, ARCH has indicated that a pilot project could be accomplished with an expenditure of no more than \$125,000; and

WHEREAS, the City Council has determined that this period in the housing economy is a good time to invest in existing housing units; and

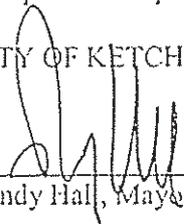
WHEREAS, the City Council has indicated that a pilot project is a good way to test the program, so that issues such as fiscal oversight and decision-making on individual units can be vetted; and

WHEREAS, the Council gave additional feedback regarding the pilot program as evidenced in the minutes of the February 27, 2009 workshop on this topic.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Ketchum, Idaho that the City Council hereby authorizes the expenditure of up to \$125,000 from the Housing In-Lieu Fund upon a written proposal from ARCH and the KCDC as to the details of the decision-making process and next steps for the Open Door Program.

This Resolution will be in full force and effect upon its adoption this 16th day of March, 2009.

CITY OF KETCHUM, IDAHO



Randy Hall, Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

RESOLUTION NO. 09-021

ATTACHMENT 2



www.archbc.org

PO Box 1292, Ketchum ID 83340

(208) 726-4411

Ketchum City Council

Thursday, December 13, 2012

c/o Lisa Horowitz

Director of Community Development

Dear Mayor and Council,

I am writing to you seeking City support for the proposed re-development of the Evergreen Apartments for permanently deed restricted affordable housing. We are currently working with City Planning and Zoning to ensure that our proposal meets City code. We have completed a first preliminary hearing and anticipate a second preliminary hearing shortly after the first of the year.

At this time, we anticipate putting forward an application to Idaho Housing Finance Association (IHFA) for funding from the Low Income Housing Tax Credit (LIHTC) and HOME programs. Approval by P&Z is not a requirement for application, although of course it is a condition of construction and we will continue to work with City Planning and Zoning.

We are requesting support from the City in three ways which are a condition of the application process and without which funding is unlikely. This support is requested both for the favorable scoring of our application and for financial support in the face of declining tax credit prices in the current economic climate.

- 1) A letter of support outlining Ketchum's continuing commitment to and need for affordable housing.
- 2) Authorization to use \$100,000 of the Open Door funds already committed to ARCH for this development.
- 3) A waiver of fees in accordance with City code 15.12.030 section C.

We are working closely with BCHA who are fully supportive of this proposal and who continue to demonstrate much needed demand for affordable rental housing in Ketchum.

Sincerely,

Michelle Griffith

Executive Director

ATTACHMENT 3

Recorded



SPECIAL KETCHUM CITY COUNCIL MEETING

Monday, August 13, 2012, 4:00 pm

City Hall, Ketchum, Idaho

Present: Mayor Randy Hall
Councilor Michael David
Councilor Baird Gourlay
Councilor Nina Jonas
Councilor Jim Slanetz

Also Present: Gary Marks, City Administrator
Lisa Horowitz, Community and Economic Development Director
Lisa Enourato, Assistant to City Administrator

Mayor Randy Hall opened the meeting at 4:10 pm.

1. Discussion with ARCH regarding using a portion of the Open Door Housing Funds that the City has allocated for a tax credit housing application that ARCH is considering on a property in West Ketchum.

There is no attorney present at this meeting. Mayor Hall disclosed that he had two conversations with Michelle Griffith and one with Greg Dunfield and Jon Duval. Councilor Gourlay had a discussion with Michelle Griffith and Jon Duval. Councilor Jonas had a discussion with Michelle Griffith. Councilor Slanetz had a discussion with Michelle Griffith and Jon Duval. Councilor David had a discussion with Michelle Griffith, Jon Duval and Greg Dunfield.

Lisa Horowitz introduced ARCH as making three requests of the City and outlined their background:

- Use \$100,000 of the Open Door Funds Program towards the purchase of land and as a match for home funding for property in West Ketchum
- Lease a portion of the bike path for \$1 a year for open space next to this project (this is not being addressed today)
- Letter of support from the City in the tax credit application process

Ms. Horowitz offered the following background. ARCH has created this program and brought it to the City. It is mainly a purchase program but ARCH is requesting to use a portion towards a tax credit housing project. The City generally supports all housing requests equally, however the City is already supporting the Washington Place project. The URA has a 99 year lease in place for the Washington Place property. The City has invested almost \$1.5 million in housing in lieu funds toward the Washington Place project for down payment and other funds for the purchase of the property. There has been much public participation over the last few years and the playing field is not 100% equal in the City's unbiased support of all housing projects. Two motions have been prepared by staff: 1) allow the use of the funds and authorize a letter of support; and 2) stagger the request of ARCH and suggest that they go into the next tax credit round. Staff suggests that it makes sense to stagger the applications.

Michelle Griffith, ARCH, described the project and assured the public that they will hold neighborhood meetings. The Evergreen project is 11 existing units that will be completely renovated with an exterior update and addition of 8 new units. ARCH determined the best way to develop affordable housing now was to pursue acquisition renovation in order to help absorb market surplus, minimize impact on other landowners and have immediate impact on nearby property values. A neighborhood meeting is scheduled to inform neighbors of the process, including relocation due to the renovation or permanent relocation. Ms. Griffith emphasized that ARCH will listen to the neighbors. This project implementation began in 2010, looking for property, application and receipt of \$38,000 grant money for pre-development. There is currently a purchase and sale agreement that expires after this round of funding and there is concern over losing the property. Ms. Griffith repeated the requests of ARCH.

Councilor David inquired about the expiration of the land deal, however ARCH will not know about the tax credits in time. Ms. Griffith explained their arrangements of the property purchase through earnest money. ARCH is applying through Home Funds to purchase the property and the tax credit funds are for the renovations and new construction. IHFA allocates tax credit funding and also the home money that starts with HUD. Ms. Griffith also explained that ARCH is not adding homes and is working with existing homes. The two sets of funding together are just under \$5.5 million.

Mayor Hall stated that the City would normally be excited over having two tax credit projects in the community. However, there is the possibility of one application being stronger than the other application and that this additional request could end up being at the expense of another project.

Mayor Hall opened public comment.

Following are comments by the public, BCHA and the Washington Place representatives:

- The housing in lieu funds have not been successful in the past with large projects
- ARCH is successful in utilizing small amounts of the funds to make things happen
- The City should not consider a request of the URA
- The ARCH project is the right size and in the right neighborhood
- This is a great opportunity to have two projects of this kind in the City
- The Housing Authority states the city should stand wholeheartedly behind each housing project
- Other Idaho cities have been awarded more than two projects and Idaho Housing can split the funds amongst two projects, therefore, both projects should go through this tax credit application period
- Inaccuracies were noted in the staff report
- The people in that neighborhood would like to remain there and if the property is sold to a developer, a project could be built that would be too expensive for them to live in
- Affordable housing is a good idea and there should be the same transparency and integrity with the ARCH project as with Washington Place
- Collaboration and communication are important but it was just discovered days ago about this project
- The City should determine the best way to make both projects happen and offer strong letters of support
- Northwood Place is another project that has worked for the City, the URA and the community
- More projects gives more of a chance to get funding
- Owners in the neighborhood just learned about this project via emails
- No one knows about the developers, what the long term effects will be on the community and how will this affect the investment of the neighbors

- The likelihood is that the Evergreen project will score better than the Washington Place project
- The chance of IHFA funding two projects in a very small town will not happen as they want to spread the funds around the state
- Evergreen is only looking for half of what Washington Place would get
- The City should become much more strategic and take control over its projects
- Washington Place has been the focus for over two years, Ketchum has over \$2.3 million in funding on the site since 2006
- Washington Place has less of a chance for funding than Evergreen
- ARCH did a successful remodel on Sabala and the neighbors have been in support of it
- ARCH never contemplated that they wouldn't have the support of the City on an affordable housing project
- The Evergreen project involves a real estate transaction which is why it hasn't been made public until recently
- There was a note scotch taped to the neighbors' doors which is how they learned of the project
- The neighbors haven't had an opportunity to analyze the project before offering their input
- Additional 11 units
- Parking
- Washington Place will not generate rental income as would Evergreen
- The City should not determine which project will score better than the other
- If the City does not offer support for Evergreen, questions will be asked by IHFA
- Has there been substantial thought over which project would be best for the City
- There hasn't been enough discussion over the projects
- Public right of way easement
- Unfair to homeowners to make this decision quickly
- Density increase
- Insufficient room for open space due to increased size of project
- Why threaten the success of a project that we all support for a speculative project
- More study is required
- If Evergreen received the allocation and there was extensive community backlash, the allocation cannot be removed
- The process is going too fast
- Lack of transparency

Ms. Griffith addressed the homeowners by stating that the property is on the open market and it had to get to a certain point before letting everyone know. ARCH was not responsible for the notes on the neighbors' doors. She asked what would happen in February if Washington Place wasn't funded in this round and if ARCH would be asked to wait again. She believes there is enough time to get through the process and inform the neighborhood prior to the application submittal.

Mayor Hall agreed that this project was rushed and there hasn't been enough process and there is enough time to do this because there is another application period. The right of way and density issue will be a catalyst for this type of meeting. His recommendation was to not vote now and work on the process so that it earns approval from Council.

Ms. Griffith described the River Street project where they called two community meetings two weeks prior to it going to Council. The Sabala project came to Council for Open Door Funds prior to the community process.

Councilor David stated he is a big supporter of affordable housing however his main issue is transparency in the public process. He believes we need to slow down and not get the City involved in a legal battle. He supports the project and believes the City should support the project with a letter. He noted his concerns over the ownership opportunities, rental, right of way issue and other requests for nonconforming zoning. The City has limited opportunities for ownership possibilities which is what the Open Door Funds are for. Despite this being a good project and a benefit to the community, there must be public support.

Councilor Gourlay agreed with Councilor David and the audience as he recently learned about the project also. He will not vote today and has concerns over the density and the right of way. He does not have a concern over the allocation of \$100,000 for a project such as this.

Councilor Jonas believes the conversation is about timing and that if they don't act today, the opportunity will be lost. She believes in housing and also that the public process has been scorned and that's how it works when it's a non-profit. The return on this investment for the community is large. She believes there will be a great return on investment. It is appropriate for Council to support this and would like to move forward to support it now and she would like to vote today, support community housing and make a statement to support ARCH and rental housing with the \$100,000.

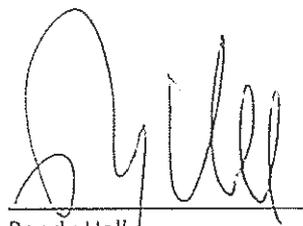
Councilor Slanetz believes the public process has not happened properly. He would like to keep the project rolling for February and doesn't believe the process could happen in time to act for the September application.

Mayor Hall suggested working with ARCH to figure out a way to tie the property up for the next round.

Councilor Jonas moved to authorize the use of \$100,000 of Open Door Funds towards the Evergreen Apartment tax credit application in the September 2012 application cycle and authorize the Mayor to develop a letter of support consistent with this motion. There was no second, the motion fails.

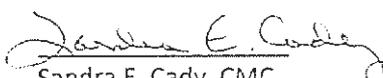
Councilor Jonas moved to adjourn the meeting, seconded by Councilor Gourlay, unanimously approved.

The meeting adjourned at 5:50 pm.



Randy Hall
Mayor

ATTEST:



Sandra E. Cady, CMC
City Clerk

City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



January 16, 2013

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

Background on Smokefree Ordinance Initiative

Introduction/History

Smokefree Idaho is a grassroots effort that began in 2008, four years after the passage of the State Clean Air Act. The group has worked on a variety of initiatives under the mission of “everyone has a right to breathe clean air at work”. The group, in collaboration with the American Cancer Society Cancer Network, contacted City staff and Councilmember David in the fall regarding the successful passage of a Smokefree Ordinance in Boise, and the possibility of Ketchum pursuing similar legislation. Moscow has a (more limited) ordinance in place, and legislation is currently being considered by the cities of Pocatello and Idaho Falls.

Attached to this report are:

- 1) Background material from Smokefree Idaho
- 2) Boise City Smokefree Air Ordinance
- 3) Model Ordinance
- 4) Public comment

Current Report

Heidi Low, Campaign Coordinator for Smokefree Idaho and Stacey Satterlee, Idaho State Director of the American Cancer Society Cancer Action Network will be attending the work session and giving a presentation on the background issues. Staff from the CED Department, Police and the City Administrator have met, and offer the following suggestions for the Council to consider in the drafting of an Ordinance that would be enforceable by Ketchum:

- Initial Education Period. The City was very successful in the implementation of the Idling Ordinance in a large part due to the strong education campaign that preceded the issuing of citations. Staff

recommends that a similar process of public education be built into the Smokefree Ordinance.

- Enclosed Public Places. The Boise Ordinance prohibits smoking in all enclosed public spaces. Public Spaces are any space where the public is invited in. A long list of examples is included in the Boise Ordinance. Staff recommends that the Ketchum Ordinance be drafted in a similar manner to prohibit smoking in enclosed public places.
- Enclosed Places of Employment. Boise prohibits smoking in any enclosed place of employment, and in any home office that is accessible to one or more employees or members of the public. Staff recommends that similar language be developed for Ketchum. This provision would only be enforced upon complaint.
- Public Outdoor Spaces. Staff recommends that the City regulate smoking in public Parks within City limits. This does not include sidewalks or streets, other than the exceptions listed below (transit stops and special events).
- Outdoor Spaces, Transit Stops. Boise limits outdoor smoking within their main transit center, and within 20' of all other transit stops. Staff concurs with this approach, as the Police Department currently receives regular complaints about smoking and smoking debris at Ketchum transit stops.
- Outdoor Spaces on school grounds and City property. Staff recommends the Ordinance prohibit smoking on school property and on City property, not including sidewalks or streets that are off the property and within the right-of-way.
- Within Special Events. Boise prohibits outdoor smoking at concerts and other special events. Staff concurs with this approach.
- E-cigarettes. Similar to Boise, staff recommends that e-cigarettes be treated similarly to other smoked products.

Not regulated by Boise:

- Private Residences, unless offering childcare or a home office of more than one employee
- Private outdoor spaces limited to those over the age of 21 (such as bars) but not including outdoor cafes
- Retail tobacconists (exempted in very specific language)
- Native American Ceremonies

Other areas to discuss (not recommended by staff for regulation in Ketchum):

- All sidewalks. Staff believes this would place an unacceptably high burden on the Police Department to enforce nonsmoking on all public sidewalks.
- Private outdoor dining. Staff does not recommend enforcement on private outdoor decks and restaurants.
- Nursing homes. Not needed to be addressed at this time.
- Hotel and motel rooms. Staff recommends following state statute on this matter.
- Footage/distance from doorways. Staff believes this would place a high burden on the Police Department to enforce, and be very difficult at night time when the bars are active.

Financial Requirement/Impact

The biggest issue in considering an ordinance of this nature is enforcement. Chief Harkins will be at the meeting to discuss the ability of his Department to enforce an ordinance of this nature, as recommended by staff in this report.

Recommendation

I respectfully recommend that the Council direct staff proceed to draft an ordinance as directed by the Council in this work session.

Proposed Motion: "I move to direct staff to proceed with a draft Smokefree Ordinance for First Reading".

Sincerely,

Lisa Horowitz
Community and Economic Development Director

Ketchum Ordinance Points for Consideration

- **Include ALL workplaces in definition:** Currently in state statute, *bars* and any *business with less than 5 employees* are permitted to allow smoking in designated areas. Restricting smoking in the workplace is the most important element of any smokefree law.
 - Primary reasons:
 - Most workers in Idaho are protected from the dangers of secondhand smoke, it is unfair leave some workers without those same protections.
 - A nonsmoker who is employed is most in danger of exposure to secondhand smoke at work where he/she spends eight hours a day or more.
 - While people do not have to go to most public places, they do have to go to work, and no one should have to choose between their life and their livelihood.
- **Patios:** Include ALL patios in ordinance language.
 - Primary reasons:
 - Workers will still need to serve patrons on patios where smoking is permitted and need to be protected.
 - Smokefree patios prevent secondhand smoke from drifting inside through entrance to patio.
 - Ease of enforcement—the easier to understand the ordinance is, the easier it is to enforce. Giving some patios an exemption and not others creates confusion and a potential enforcement nightmare.
 - Creates level playing field for all bars and restaurants.
- **20 foot from doorway rule:** Be consistent with existing state statute and implement a comprehensive no smoking zone 20 feet from all business entrances.
 - Primary reasons:
 - It is a common sense approach to keep secondhand smoke out of businesses and protect its workers and patrons from walking through a gauntlet of smoke.
 - Ease of enforcement—everyone knows there is no smoking in any doorway, there is no guessing about which doorways are okay and which aren't.



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- **E-Cigarettes:** Include e-cigarettes in the definition of smoking.
 - Primary reasons:
 - There is preliminary science available on the health dangers of the vapors of the smoke coming from e-cigarettes¹. More significantly, exempting e-cigarettes from the ordinance is likely to cause notable enforcement problems and confusion for the public. It places the bar owner/worker in the awkward position of determining whether or not someone is smoking a cigarette or e-cigarette and answering the questions of other patrons who are not allowed to smoke cigarettes.
 - Proposed language which will cover e-cigarettes: “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. “Smoking” also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.
- **Hotels/Motels:** A comprehensive ordinance should include language that protects workers and patrons in hotel/motel rooms from secondhand smoke.
 - Primary reasons:
 - Protects the workers and patrons from secondhand and thirdhand smoke, especially housekeeping staff. Thirdhand smoke consists of the tobacco residue from cigarettes, cigars and other tobacco products that is left behind after smoking and builds up on surfaces and furnishings. The nicotine in tobacco smoke reacts with nitrous acid—a common component of indoor air—to form the hazardous carcinogens. Nicotine remains on surfaces for days and weeks, so the carcinogens continue to be created over time, which are then inhaled, absorbed or ingested.
 - Many hotels/motels already implement a 100% smokefree policy voluntarily so this levels the playing field and makes Boise more attractive to tourist/convention business.
- **Hookah/Cigar bars and Smoke Shops:** Include in a comprehensive ordinance. Boise City successfully included these venues in its comprehensive language with a clear definition for smoke shops, which strictly function as smoke shops.
 - Primary reasons:
 - These facilities are still basically bars that derive most of their revenues from alcohol sales.

¹ www.no-smoke.org/learnmore.php?id=645



Heidi Low, Campaign Coordinator
(208) 433-9610
Smokefreeidaho@gmail.com

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- Retail tobacco stores are often located in malls or other mixed use buildings, resulting in complaints and health issues suffered by people living or working in spaces above or next to these businesses.
- **Enclosed Residential Areas in nursing homes:** Include “health care facility” in comprehensive ordinance.
 - Primary reasons:
 - Given that facilities and rooms are also workplaces and smoke from rooms drift into other areas of the nursing homes, recent smokefree laws prohibit smoking in rooms entirely.
 - An added element of risk is that many nursing home patients use compressed oxygen and smoking when using compressed oxygen adds an extra fire danger.
- **Outdoor common areas and special events:** Include in city ordinance language to provide smokefree environments where people congregate and are in a situation where they cannot move to avoid someone else’s smoke.
 - Primary reasons:
 - Evidence is accumulating that secondhand smoke outdoors can be a significant health hazard.
 - A study in 2007 determined that during periods of active smoking, peak and average outdoor tobacco smoke levels measured in outdoor gathering areas near smokers rival indoor tobacco smoke concentrations.

For more information, please contact Heidi Low at 208.899.0723 (cell), 208.433.9610 (office) or Heidi@RitterPublicRelations.com.



Heidi Low, Campaign Coordinator
(208) 433-9610
Smokefreeidaho@gmail.com

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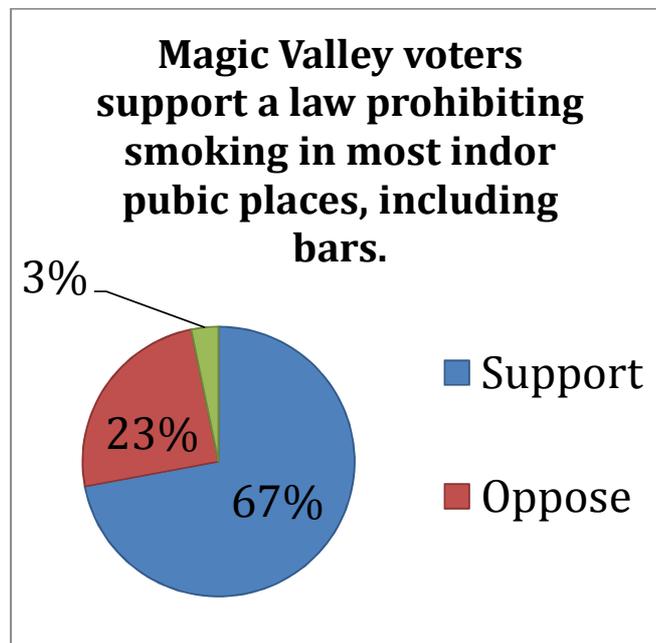


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Significant Statistics:

- The cost of tobacco use in Idaho
 - **\$530** annual tax burden for every taxpaying household, whether or not they smoke.
 - **\$319** million a year in health care related costs in Idaho caused by tobacco use.
- Support is strong for smokefree comprehensive smokefree ordinances in Ketchum.
- According to a November 2011 statewide poll, in the Magic Valley media market, an overwhelming majority of votes support smokefree laws.



Community Education:

- The Public Health District and the Department of Health and Welfare are both happy to supply "No Smoking" signs and help with outreach within the community.
- News Releases and other outreach resources can be provided to the city by Smokefree Idaho as necessary.



Heidi Low, Campaign Coordinator
(208) 433-9610
Smokefreeidaho@gmail.com

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Smokefree Idaho Frequently Asked Questions

What does the city ordinance actually do?

- It provides protection to workers not currently covered in Idaho law while also reinforcing the existing statewide law.

If people don't like working in a smoky environment why don't they just get another job?

- No one should have to choose between a good job and good health. Especially in this tough economy it's not always that simple.

Isn't this an issue of personal choice, both to smoke and to go to a bar that allows smoking?

- Everyone has the right to breathe clean air. One person's personal freedom to pollute does not trump that. Bar workers are 50% more likely to have lung disease than the average American.

Aren't we already doing enough?

- There is no safe level of exposure to secondhand smoke. As long as there are still public areas where smoking is allowed, there is more we can do to protect people.

What's next? The government protecting me from fatty foods?

- No, we are ONLY working to protect workers from external dangers to their health. We firmly believe in each individual's responsibility to make their own choices as long as those choices don't adversely affect others.

Shouldn't "filling the gaps" in the state law be done in the State Legislature?

- There is precedent nationwide that smokefree legislation starts at the municipal level. Government closest to the people serves the people best. And the community is demanding this—as seen through the overwhelming response from volunteers, petition signers and a poll.

Won't passing this ordinance have a negative economic impact on bars and small businesses?

- In a word—no. Other cities that have gone smokefree have found the move has either improved revenue and jobs, or has been business neutral.

I've heard of places that went smoke free and lost business. What do you have to say to that?

- While there may be anecdotal stories from individual bar owners, over 23 studies have shown there is no adverse impact to businesses.

How does tobacco really affect me or Idaho?

- The annual health care costs in Idaho directly caused by smoking are \$319 million. Tobacco use costs **every** taxpaying household in Idaho \$530 a year.



Why Passing a Local Comprehensive Clean Indoor Air Ordinance is Necessary

Part of creating Ketchum as the “most livable city” includes promoting a healthy environment for its citizens. In order to assure a safe, healthy and livable community it is imperative to protect the workers of Ketchum from the dangers of second hand smoke as a logical and natural step contributing to health of the community through public health advocacy. Passing a comprehensive clean indoor air ordinance is the best mechanism to protect ALL workers.

Currently Idaho state law protects many employees from the dangers of second hand smoke. All employees should be protected because the health hazards are real and measureable. No one should have to choose between a job and good health. Nonsmokers working in smoky environments double their risk of getting lung cancer. On the other hand, smoke free policies decrease absenteeism among non-smoking employees and increase productivity.

Why Ketchum

The issue is simple: it is about protecting the health of all workers in the community. The Wood River Valley is a health conscious area that has implemented smokefree expectations voluntarily within all our bars and most small businesses. This not only shows an investment in being a healthy community, but also proves to our visitors that their health and safety is a priority.

There is no comprehensive, citywide ordinance supporting smokefree workplaces, including bars, hotels/motels or small businesses. This means new businesses could establish themselves in the area where smoking would be permitted. Not only would this shake up the current level playing field, it would also create hazardous workplaces for employees and patrons.

Enacting an ordinance now, levels the playing field for all businesses in providing the safest and healthiest environment for all its workers.

History of the Smokefree Idaho movement

Smokefree Idaho is a coalition of organizations and citizens concerned about the toll of tobacco in Idaho and as such worked on the original statewide Clean Indoor Air Act passed in 2004. Since that time members have often been asked, why not all work places (most frequently bars) are smoke free. In early 2008 Smokefree Idaho conducted a poll in the Treasure Valley to get a true picture of how widespread the support for a comprehensive Clean Indoor Air ordinance was. The poll results were clear; 85% of those polled believed all workers should be protected from exposure to second hand smoke.

The coalition began with grassroots outreach—community supporters voluntarily came forward when Smokefree Idaho provided the vehicle to voice their support. Individuals who had been affected by the dangers of secondhand smoke were abundant. Advocates in Boise began to rally for smokefree regulations for bars and small businesses after legislators passed a statewide law protecting bowling alley workers and patrons from the dangers of secondhand smoke.

Research was conducted across the state and pulled from the more than 500 communities across the nation to analyze the strengths and weaknesses of local smokefree legislation. After many meetings with city council members and hearing from community members, Boise did eventually go completely Smokefree. The city has been an inspiration to others in different Idaho communities—individuals from across the state have reached out for Smokefree Idaho's support in helping their cities go smokefree as well.

The Smokefree Idaho mission is clear; everyone has the right to breathe clean air at work.

Smokefree Case Studies

The following are several case studies of cities around the nation that have implemented comprehensive smokefree laws. In addition to Boise, these cities were selected because of demographic similarity to other cities in Idaho.

Boise, Idaho

Idaho advocates began to rally for smokefree regulations for bars and small businesses after legislators passed a statewide law protecting bowling alley workers and patrons from the dangers of secondhand smoke. After completing a citywide poll, numbers showed strong support for smokefree laws. People and businesses within the community reached out to the city council to demonstrate support. After a robust, citywide debate about the smoking ordinances to determine if it was truly the direction the city wanted to take. On November 29, 2011 Boise's City Council voted unanimously to adopt a smokefree ordinance. Beginning, Jan. 2, 2012, all workers in Boise—including those who work in small businesses with less than five employees and all bars work in a smokefree environment. Boise was the first city in Idaho to have a comprehensive smokefree ordinance, including bars, small businesses and public transportation.

Ordinance Language: Boise ordinance language is the most comprehensive in Idaho, addressing most of the loopholes in state statute. By including bars, hookah bars, most tobacco shops, public transportation waiting areas, and small businesses with less than 5 employees, it protects all workers, except those in hotels/motels. The exemption for "tobacconist shops" is very narrowly written. The enforcement piece includes penalties for both the person smoking (\$50.00) and an employer or other person (\$100.00 per person smoking) who knowingly or intentionally permits smoking in violation of the ordinance.

Economic Impact: Since the ordinances were enacted, the city has received thanks from employees and patrons about the better working conditions. Businesses have enjoyed a decrease in absenteeism among non-smoking employees. Several bars have been vocal about the increase in business since going smokefree.

Personal Testimonials:

Adam Park, communications director for the City of Boise

"Since the ordinances have gone into effect we've heard from numerous employees and patrons about how much they enjoy the cleaner air. Thousands of people sent postcards and emails. Hundreds attended the council meetings and public hearings, and the media covered the issue extensively over a three-month period. In the end, it was clear that, despite a very engaged opposition, the majority of Boise residents approved of the changes."

Heather Hammond, bar worker in Boise, Idaho

"Other workers are protected from secondhand smoke—why should I be any different?"

Ted Challenger, bar owner China Blue, Dirty Little Roddy's, and Main Street Bistro in Boise, Idaho

"Going smokefree has been a win, win, win. My bars have seen an increase in sales, patrons stop me on the street to say thank you, and most important of all, my staff has seen a decrease in being sick and no longer have to choose a paycheck over their health."

El Paso, Texas

Texas is following the local control first model of working towards a statewide comprehensive clean indoor air policy. El Paso, Texas enacted its Comprehensive smoke free ordinance on January 2, 2002. Besides El Paso over 36 other Texas communities have comprehensive ordinances. In spite of significant pushes in 2007, 2009 and 2011 in biennial sessions there is still no statewide law.

Ordinance Language: The substantive part of the ordinance is very similar to the model language offered in Ketchum with a comprehensive ordinance protecting all workers. The enforcement of the ordinance is as follows: \$100 fine for first violation, \$200 fine for second violation within one year of first violation, a fine not exceeding \$500 for additional violation within one year of first violation. The enforcement is implemented by the county health district, building services, fire and law enforcement agencies with complaints being registered with the health district initiating enforcement.

Economic Impact: Mixed-beverage revenue analyses indicate that sales of alcoholic beverages were not affected by the El Paso smoke-free ordinance. Researchers from the Texas Department of Health (TDH) and the Centers for Disease Control and Prevention (CDC) examined restaurant and bar revenues 12 years before and 1 year after El Paso, Texas enacted its smoke-free ordinance on January 2, 2002. Restaurant, bar, and mixed-beverage revenues varied by quarter (and were found to be highest between the October-December quarter).

Centers for Disease Control and Prevention (2004). Impact of a Smoking Ban on Restaurant and Bar Revenues—El Paso, Texas, 2002. Morbidity and Mortality Weekly Report 53(7): 150-152.

Personal Testimonial:

Larry Medina, Former city council member and former Mayor Pro Tem, El Paso, TX:

"I [initially said] there was no way I would vote for another ordinance that would tell business owners how to run their businesses." After educating himself about the health hazards of secondhand smoke, he said, "I wanted to be on the right side of the issue. Even if it meant not being on the winning side...I learned the government has a duty and responsibility to protect the public's health." Texarkana Gazette, Nov. 14, 2003

Corvallis, Oregon

Oregon is a state that began at the local level and became comprehensively smoke free at the state level January 1, 2009. On July 1, 1998, Corvallis, Oregon became the first community in Oregon to require all bars to go smoke free. Loopholes in the 2002 Oregon state workplace law were closed when the comprehensive Clean Indoor Air act was enacted statewide this year.

Ordinance Language: Corvallis Municipal Code is comprehensive in nature, protecting all workers such as in proposed Ketchum model ordinance language. The enforcement of the code is as follows with the violation being enforced "every day any person who owns, manages, operates or otherwise controls the use of any premises, subject to regulation under this section...": Not less than \$50 and no more than \$100 for the first violation within any 12 month period, not less than \$100 and no more than \$200 for a second violation within any 12 month period, and each additional violation within a 12 month period will be no less than \$250 and no more than \$500.

Economic Impact: Corvallis, Oregon's smoking ban appears to have no economic impact on most bars, with an increase in nonsmokers offsetting a loss in smokers. On July 1, 1998, Corvallis, Oregon required all bars to go smoke-free. Using four data sources (distilled spirits sales, malt liquor sales, video poker sales, and alcohol sales), researchers find that Corvallis' smoke-free ordinance had generally no economic impact on bars. However, the evidence suggests that establishments catering to video poker players did experience a decline in sales. Overall, there appears to be a loss of some smokers to bars outside Corvallis, however, this migration effect was offset by an increase in non-smoking patronage.

Dresser, J., S. Boles, E. Lichtenstein, and L. Strycker (1999). **Multiple Impacts of a Bar Smoking Prohibition Ordinance in Corvallis, Oregon.** Eugene, Oregon: Pacifica Research Institute.

Personal Testimonial:

Jarrett Van Ness, Manager, Tailgaters Bar & Grill in Corvallis, Oregon

Describing the economic impact of Corvallis' smokefree bars ordinance: *"It's had absolutely no negative effect on us. It's the best thing that ever happened to us. The people who work in the bar atmosphere don't have to spend eight hours covered in smoke. We've actually gained customers because of it. I feared the worst because, at the time, I was a smoker, too."*

Quoted In: Welch, B., "Bob Welch: life goes on without smoke," *Register-Guard*, July 1, 2001.

Lexington, Kentucky

Lexington became the first city in Kentucky to enact a comprehensive smoke free ordinance. Its smoke free law was implemented on April 27, 2004. Since that time other cities in Kentucky have followed suit. A statewide statute is being considered during this legislative session.

Ordinance Language: The language in the Lexington, KY ordinance is similar in substance to that of the proposed Ketchum ordinance, covering the same areas. The original 2004 ordinance covered only bars, restaurants and other public places, but work places not open to the public were exempt. However, it was strengthened several years ago, to protect all of Lexington's workers bringing up to par with Ketchum's proposed language. The enforcement is as follows: the first offense for a person found smoking in the prohibited areas is a fine of \$100, \$250 for the second offense within one year, and \$500 for each subsequent offense within one year. Additionally, people who smoke in a prohibited area and refuse to stop may be required to leave and shall be subject to prosecution for trespass if they do not leave when asked. The enforcement is done by County Health Department.

Economic Impact: Lexington, Kentucky's smoke-free law, implemented on April 27, 2004, has had no negative impact on employment, payroll withholding taxes, or business openings and closings among the city's restaurants, bars, and hotels. Restaurant employment increased, bar employment remained unchanged, and hotel/motel employment decreased in the five months after the law went into effect. There are methodological problems with this last result. The authors used five years of employment data, but the pre-9/11 data appear to be statistical outliers and should have been controlled for in the analysis. Workers' earnings, as measured by payroll withholding taxes, remained unchanged among restaurant, bar, and hotel/motel employees. There was no change in the number of openings or closings in food service or alcohol serving establishments.

Hahn, E.J., et al. (2005). *Economic Impact of Lexington's Smoke-Free Law: A Progress Report*. Lexington, Kentucky: University of Kentucky, College of Nursing and Gatton College of Business and Economics.

Personal Testimonial:

Loni Hall, Assistant Manager of the Bigg Blue Martini, Lexington, KY

"We were worried. But it [a smokefree ordinance] hasn't had that much of an effect."

Quoted in: Isaacs, B., "Puffing in public," Lexington Herald-Leader, June 2, 2004

Mike Scanlon, CEO and president of Thomas & King and Vice Mayor of Lexington, Kentucky

"I can see both sides of the issue. However, as a businessman, I need to listen to my customers and do what I believe is right for my business. Our guests absolutely love these smoke-free environments. This is strictly an effort to reach out to our guests and to give them what they want." Quoted in: Evans, M., "Restaurants operated by Kentucky company to go smokefree," Associated Press/Charlotte Observer, May 10, 2004

Secondhand Smoke Causes Significant Health Hazards

Secondhand smoke is a health hazard.

- Secondhand smoke contains more than 7,000 chemicals and compounds, 69 of which cause cancer including formaldehyde, arsenic, cyanide, and carbon monoxide^{i ii}.
- Secondhand smoke causes 46,000 deaths from heart disease among non-smokers every yearⁱⁱⁱ.
- Secondhand smoke is responsible for 3,400 lung cancer deaths annually in otherwise healthy nonsmokers.
- Secondhand smoke can cause or aggravate a wide range of adverse health effects, including cancer, respiratory infections, and asthma.

Smokefree laws provide public health benefits.

- Smokefree laws reduce the number of heart attacks and save lives. There is conclusive scientific evidence that secondhand smoke causes heart disease.^{iv}
- Studies of at least 10 communities published in peer-reviewed journals have proven a decrease in heart attack incidence after the implementation of smokefree laws.
- Helena, MT enjoyed a 40% decrease in heart attacks among Helena residents while smokefree laws were in place.
- Heart attack hospitalizations fell by 41% in Pueblo, CO after a comprehensive smokefree law was enacted. This decrease was sustained over a three-year period.

No one should have to choose between a job and good health.

- Nonsmokers exposed to high levels of tobacco smoke on the job double their risk of getting lung cancer.^v
- Service industry workers have a 50% greater risk of dying from lung cancer than the general population, in part, because of secondhand smoke exposure in the workplace.^{vi}
vii
- Smoke-free policies decrease absenteeism among non-smoking employees and increases productivity.^{viii}

The toll of tobacco use in Idaho.

- The annual health care costs in Idaho directly caused by smoking are \$319 million.
- Tobacco use costs every taxpaying household in Idaho \$530 a year.^{ix}

ⁱ National Cancer Institute. *Risks Associated with Smoking Cigarettes with Low machine-Measured Yields of Tar and Nicotine*. Smoking and Tobacco Control Monograph No. 13. Bethesda, MD. U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute, NIH Pub. No. 02-5074, October 2001. http://dcccps.nci.nih.gov/tcrb/monographs/13/m13_5.pdf; personal communication, dated October 28, 2003, from Dietrich Hoffmann, Ph.D., Associate Director, Institute for Cancer



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Prevention, co-author of Chapter 5 of NCI Monograph 13, clarifying Table 5.4 of the Monograph (that lists 69 carcinogens) is missing a carcinogen, namely MeAaC (2-amino-3-methyl-9-*H*-pyrido[2,3-*b*]indole, and it should be inserted under “under” miscellaneous Organic Compounds”.

ⁱⁱ National Cancer Institute. *Risks Associated with Smoking Cigarettes with Low Machine-Measured Yields of Tar and Nicotine*. Smoking and Tobacco Control Monograph No. 13. Bethesda, MD: U.S. Department of Health and Human Services, national Institutes of Health, National Cancer Institute, NIH Pub. No. 02-5074, October 2001.

http://dcccps.nci.nih.gov/tcrb/monographs/13/m13_5.pdf.

ⁱⁱⁱ Centers for Disease Control and Prevention. *Smoking and Tobacco Use; Health Effects of Secondhand Smoke*. 2012. Available at: http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm

^{iv} Institute of Medicine (IOM); *Secondhand Smoke Exposure and Cardiovascular Effects: Making sense of the Evidence*, Washington D.C.: The National Academies Press, 2009, <http://iom.edu/Reports/2009/Secondhand-Smoke-Exposure-and-Cardiovascular-Effects-Making-Sense-of-the-Evidence.aspx>.

^v Stayner, L., et al. (2007) Lung Cancer Risk and Workplace Exposure to Environmental Tobacco Smoke. *American Journal of Public Health*, 10.2105/AJPH.2004.061275.

^{vi} Shopland, D.R.; Anderson, C.M.; Burns, D.M.; Gerlach, K.K., “Disparities in smoke-free workplace policies among food service workers,” *Journal of Occupational and Environmental Medicine*, 46(4): 347-356, April 2004.

^{vii} Siegel, M. “Involuntary Smoking in Restaurant Workplace: A Review of Employee Exposure and Health Effects.” *JAMA*, 270:490-493, 1993. Available at:

http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=8320789&dopt=Abstract.

^{viii} Scollo, Michelle and Anita Lal (2004). Summary of Studies Assessing the Economic Impact of Smoke-free Policies in the Hospitality Industry. Melbourne: VicHealth Centre for Tobacco Control. <http://www.vctc.org.au/tc-res/Hospitalitysummary.pdf>.

^{ix} The Toll of Tobacco. <http://www.tobaccofreekids.org/reports/settlements/toll.php?StateID=ID>.



Heidi Low, Campaign Coordinator
(208) 433-9610
SmokefreeIdaho@gmail.com

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Chapter 6-23

BOISE CITY SMOKE-FREE AIR ORDINANCE

Sections:

6-23-01	SHORT TITLE
6-23-02	AUTHORITY
6-23-03	FINDING AND INTENT
6-23-04	DEFINITIONS
6-23-05	APPLICATION TO CITY-OWNED FACILITIES
6-23-06	PROHIBITION OF SMOKING IN ENCLOSED PUBLIC PLACES
6-23-07	PROHIBITION OF SMOKING IN ENCLOSED PLACES OF EMPLOYMENT
6-23-08	PROHIBITION OF SMOKING IN OUTDOOR AREAS
6-23-09	WHERE SMOKING IS NOT REGULATED
6-23-10	DECLARATION OF ESTABLISHMENT AS NONSMOKING
6-23-11	POSTING OF SIGNS AND REMOVAL OF ASHTRAYS
6-23-12	ENFORCEMENT
6-23-13	RESPONSIBILITIES, VIOLATIONS, AND PENALTIES
6-23-14	OTHER APPLICABLE LAWS
6-23-15	LIBERAL CONSTRUCTION
6-23-16	SEVERABILITY

6-23-01 Short title

This Chapter shall be known as the Boise City Smoke-free Air Ordinance, and any other ordinances or resolutions in conflict herewith are repealed upon the effective date of the ordinance codified in this Chapter.

6-23-02 Authority

This Chapter is adopted pursuant to the authority granted by Idaho Code, Sections 39-5511, 39-5713, 50-302, and 50-304.

6-23-03 Findings and intent

Public health officials have concluded that secondhand tobacco smoke causes disease, including lung cancer and heart disease, in nonsmoking adults, as well as causing serious conditions in children such as asthma, respiratory infections, middle ear infections, and sudden infant death syndrome. In addition, public health officials have concluded that secondhand smoke can exacerbate adult asthma and allergies and cause eye, throat and nasal irritation. The conclusions of public health officials concerning secondhand tobacco smoke are sufficient to warrant measures that regulate smoking in public places in order to protect the public health and the health of employees who work in public places.

The intent of this chapter is to protect the public health, the health of employees who work in public places, and the rights of nonsmokers to breathe clean air by prohibiting smoking in public places and in places of employment.

6-23-04 Definitions

As used in this Chapter:

1. “Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, bikini-bars, and cabarets.
2. “Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
3. “E-cigarette” means any electronic oral device, such as one composed of a heating or ultrasonic element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substance, and use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
4. “Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for an employer.
5. “Employer” means a person, business, association, municipal corporation, or trust that employs the services of one or more individual persons.
6. “Enclosed Area” means all space between a floor and a ceiling that is bounded on all sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.
7. “Exclusive Retail Tobacconist” means a retail tobacco business which derives more than ninety-five percent of sales from tobacco and tobacco products sold on the premises for consumption off the premises and which the sale, manufacture, or promotion of other products is merely incidental. The status as an exclusive retail tobacco business is lost if at any time the business premises provide seating for more than four patrons or is used to sell or serve food or drink, vend lottery tickets or newspapers or magazines not primarily for tobacco enthusiasts, or if the premises are used for dancing, karaoke, gaming, or live entertainment or performance of any kind.
8. “Health Care Facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

9. “Place of Employment” means an area under the control of a public or private employer.
10. “Public Place” means an area to which the public is invited or in which the public is permitted for any purpose, whether the place is publicly owned or private. Public places are as further defined in Boise City Code 6-23-06.
11. “Restaurant” means an eating establishment, including but not limited to, coffee shops, cafeterias, and food stands, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.
12. “Retail tobacco business” means a business which, during the normal course of business, primarily distributes any tobacco and/or tobacco product or provides any equipment or material used for the consumption of tobacco.
13. “Service Line” means an indoor or outdoor location in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, persons waiting to use an ATM, attend a concert, obtain food or drink from a vendor, purchase movie tickets, purchase or board public transit or attend a sporting event.
14. “Shopping Mall” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
15. “Smoking” means inhaling, exhaling, burning, carrying, or possessing any combusting (heated, lit, or smoldering) tobacco or any other substance, whether contained in a cigar, cigarette, or pipe, or any other object. Smoking does not include possession of an unlit or unheated cigar, cigarette, or pipe. Smoking does not include use of an e-cigarette which creates only a vapor without any smoke.
16. “Sports Arena” means places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events. This term includes, but is not limited to, sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.
17. “Temporary Special Event Zone” means any outdoor area set aside to accommodate people in a smoke-free space for such activities as concerts, movies, or other entertainment in a public space. A Temporary Special Event Zone shall be designated by a perimeter of “No Smoking” signs placed at each entrance to the zone and spaced approximately every fifty feet at a height of between three feet (measured from the top edge of the sign) and five feet (measured from the bottom edge of the sign). The signs shall be no less than 100 square inches with the words “No Smoking” in letters at least one inch high or displaying the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. If the permit is issued for an area in which smoking is not otherwise

prohibited, a Temporary Special Event Zone may be required as a condition of issuance of a Special Event Permit/Citizen Use Permit for the entire duration of the event authorized in the permit.

18. “Tobacco and Tobacco Products” means tobaccos, cigarettes, cigars, pipes, tobacco pipe tobaccos, humidors, cigar cutters, pipe cleaners, pipe maintenance tools, and literature primarily for tobacco enthusiasts.

6-23-05 Application to City-owned facilities

All vehicles and enclosed areas owned, leased, or operated by the City of Boise City shall be subject to the provisions of this Chapter.

6-23-06 Prohibition of smoking in enclosed public places

Smoking shall be prohibited in all enclosed public places within the limits of the City of Boise City, including but not limited to, the following places:

- A. Aquariums, galleries, libraries, and museums.
- B. Businesses patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo facilities.
- E. Child care and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels, except as provided in Idaho Code.
- L. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, except where permitted by Idaho Code, nursing homes, and other multiple-unit residential facilities.
- M. Polling places.
- N. Private clubs.

- O. Public transportation vehicles, including buses and taxicabs, under the authority of the City/County/Town, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities.
- P. Restaurants.
- Q. Restrooms, lobbies, reception areas, hallways, and other common use areas.
- R. Retail Tobacco Businesses, except an exclusive retail tobacconist.
- S. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of a public agency, board, commission, committee or council of a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City of Boise City.
- T. Shopping malls.
- U. Sports arenas, including enclosed places in outdoor arenas.
- V. Theaters and theatrical productions, except as provided in Idaho Code.

6-23-07 Prohibition of smoking in enclosed places of employment

Smoking shall be prohibited in all enclosed places of employment in the City of Boise City without exception. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, retail spaces and showrooms, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and garages.

6-23-08 Prohibition of smoking in outdoor areas

Smoking shall be prohibited in the following outdoor public places:

- A. Within the bus transfer location known as the Downtown Boise Transit Mall, consisting of the entire sidewalk on the north side of Idaho Street from Capitol Boulevard to 9th Street and the entire sidewalk on the south side of Main Street from Capitol Boulevard to 9th Street.
- B. Within the bus transfer location at the Towne Square Mall, consisting of the entirety of the raised concrete waiting location and extending out twenty (20) feet into the parking lot on all sides.
- C. Within twenty (20) feet of all other bus stops, benches, stations, platforms, and shelters.
- D. Within twenty (20) feet of entrances or exits to schools including public and private elementary, secondary, vocational, and trade schools or colleges, so as to ensure that tobacco smoke does not enter those areas.
- E. Within twenty (20) feet of entrances or exits to buildings owned or managed by the City of Boise City, so as to ensure that tobacco smoke does not enter those areas.

- F. Within twenty (20) feet of any sidewalk café (as defined by the designated footprint area set forth in the sidewalk café map on file with the Boise City Clerks Office and/or the Idaho State Police Bureau of Alcohol Beverage Control) and in any dining patio, and/or outdoor seating or serving areas of restaurant legally accessible to persons under the age of twenty-one.
- G. Within twenty (20) feet of all outdoor service lines.
- H. Within the Grove Plaza bounded by Capitol Boulevard, Ninth Street, Main Street and Front Street, except for those areas specifically designated for smoking by the Boise City Clerk or designee following recommendation of those areas by the Capital City Development Corporation.
- I. Within the sidewalk and roadway of Eighth Street, extending from Main Street to Bannock Street and from the building faces on either side and into the alleyways for the first twenty (20) feet measured from start of the building faces along Eighth Street.
- J. Within any designated “Temporary Special Event Zone.”

6-23-09 Where smoking is not regulated

Notwithstanding any other provision of this Chapter to the contrary, the following areas shall be exempt from the provisions of Sections 6-23-06, 6-23-07, and 6-23-08:

- A. Private residences, unless used as a childcare, adult day care, or health care facility, or as a home office that is accessible to one or more employees or members of the public.
- B. Privately owned outdoor spaces legally accessible only to persons age twenty-one and over, including rooftop patios and court yards of bars, but not including sidewalk cafés. Any such privately owned outdoor spaces established consistent with all applicable building and zoning codes existing at the time of the effective date of this ordinance shall be exempt from the twenty foot rule in Section 08 F above.
- C. An exclusive retail tobacconist as defined in section 04 of this title and chapter.
- D. American Indian/Alaska Native Ceremonies. A religious ceremony using a traditional pipe under this section is subject to any applicable state or local law, except as provided in this section. A person is exempt from the restrictions of this chapter if the person:
 1. Is a member of an American Indian/Alaska Native tribe whose members are recognized as eligible for the special programs and services provided by the United States to American Indians/Alaska Natives who are members of those tribes; and
 2. Is an American Indian/Alaska Native who actively practices an American Indian/Alaska Native religion, the origin and interpretation of which is from a traditional American Indian/Alaska Native culture; and
 3. Is smoking tobacco using the traditional pipe of an American Indian/Alaska Native tribal religious ceremony, of which tribe the person is a member, and is smoking the pipe as part of that ceremony; and
 4. The ceremony is conducted by a pipe carrier, American Indian/Alaska Native spiritual person, or medicine person recognized by the tribe of which the person is a member and by the American Indian/Alaska Native community.

6-23-10 Declaration of establishment as nonsmoking

Notwithstanding any other provision of this Chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any area in which a sign conforming to the requirements of Section 6-23-11 is posted.

6-23-11 Posting of signs and removal of ashtrays

The owner, operator, manager, or other person in control of a place of employment or a public place where smoking is prohibited by this Chapter shall:

- A. Clearly and conspicuously post in that place:
 - 1. “No Smoking” signs or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it; and
 - 2. A sign at every entrance that clearly states that smoking is prohibited. If the place of employment is a vehicle, there shall be at least one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.
- B. Remove all ashtrays from any area where smoking is prohibited by this Chapter, except for ashtrays displayed for sale and not for use on the premises.

6-23-12 Enforcement

In addition to any law enforcement officer, any citizen who desires to complain about a violation of this Chapter for which there is probable cause may initiate enforcement by requesting to sign a Uniform Citation as the complaining party and state’s witness.

6-23-13

Responsibilities, violations, and penalties

- A. Smoking where prohibited. A person who smokes in any public place where smoking is prohibited by the provisions of this Chapter shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50.00) as prescribed by the Idaho Infraction Rules for smoking in violation of the Idaho Indoor Clean Air Act.
- B. An employer, owner, manager, operator, or employee of an establishment regulated by this Chapter, who observes a person smoking in apparent violation of this chapter shall ask the person to extinguish all lighted smoking products. If the person persists in violating this chapter, the employer, person in charge, agent or employee shall ask the person to leave the premises. Any person who refuses to either extinguish all lighted smoking products or leave the premises is guilty of an infraction and is subject to a fine not to exceed fifty dollars (\$50.00) as prescribed by the Idaho Infraction Rules for smoking in violation of the Idaho Indoor Clean Air Act. Any violation may be reported to a law enforcement officer.
- C. Permitting smoking where prohibited. No employer or other person in charge of a public place or publicly-owned building or office shall knowingly or intentionally permit smoking in violation of this chapter. Any employer or other person in charge of a public

place or publicly-owned building or office who violates the provisions of this section is guilty of a separate act of permitting smoking where smoking is prohibited, each of which is punishable by a fine not to exceed one hundred dollars (\$100) as prescribed by the Idaho Infraction Rules for smoking in violation of the Idaho Indoor Clean Air Act.

- D. Any employer who discharges or in any manner discriminates against an employee because that employee has made a complaint or has given information to the Department of Health and Welfare or the Department of Labor pursuant to this section shall be subject to a civil penalty of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation.
- E. Violation of this Chapter is hereby declared to be a public nuisance, which may be abated by the City of Boise City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City of Boise City may take action to recover attorneys fees and/or costs of the nuisance abatement.

6-23-14 Other applicable laws

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

6-23-15 Liberal construction

This Chapter shall be liberally construed so as to further its purposes.

6-23-16 Severability

If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

(6828, 11/29/2011, Enacted)



**MODEL ORDINANCE PROHIBITING SMOKING
IN ALL WORKPLACES AND PUBLIC PLACES
(100% SMOKEFREE)**

Revised March 2011

Sec. 1000. Title

This Article shall be known as the _____ [*name of City or County*] Smokefree Air Ordinance of _____ [*year*].

Sec. 1001. Findings and Intent

The _____ [*City or County Governing Body*] does hereby find that:

The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smokefree workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and (6) evidence from peer-reviewed studies shows that smokefree policies and laws do not have an adverse economic impact on the hospitality industry. (U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.) According to the 2010 U.S. Surgeon General's Report, *How Tobacco Smoke Causes Disease*, even occasional exposure to secondhand smoke is harmful and low levels of exposure to secondhand tobacco smoke lead to a rapid and sharp increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attacks and stroke. (U.S. Department of Health and Human Services. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.)

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible

for the early deaths of approximately 53,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," *Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI)*, August 1999.)

The Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," *U.S. Department of Health and Human Services (DHHS), Public Health Service, NTP*, 2000; reaffirmed by the NTP in subsequent reports on carcinogens, 2003, 2005.)

Based on a finding by the California Environmental Protection Agency in 2005, the California Air Resources Board has determined that secondhand smoke is a toxic air contaminant, finding that exposure to secondhand smoke has serious health effects, including low birth-weight babies; sudden infant death syndrome (SIDS); increased respiratory infections in children; asthma in children and adults; lung cancer, sinus cancer, and breast cancer in younger, premenopausal women; heart disease; and death. (California Air Resources Board (ARB), "Appendix II Findings of the Scientific Review Panel: Findings of the Scientific Review Panel on Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant as adopted at the Panel's June 24, 2005 Meeting," *California Air Resources Board (ARB)*, September 12, 2005.)

There is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke. (World Health Organization (WHO), "Protection from exposure to secondhand smoke: policy recommendations," *World Health Organization (WHO)*, 2007.)

In reviewing 11 studies concluding that communities see an immediate reduction in heart attack admissions after the implementation of comprehensive smokefree laws, the Institute of Medicine of the National Academies concluded that data consistently demonstrate that secondhand smoke exposure increases the risk of coronary heart disease and heart attacks and that smokefree laws reduce heart attacks. (Institute of Medicine (IOM) of the National Academies, Board on Population Health and Public Health Practice, Committee on Secondhand Smoke Exposure and Acute Coronary Events, "Secondhand smoke exposure and cardiovascular effects: making sense of the evidence," *Washington, DC: National Academies Press*, October 2009.)

A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzias, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," *Tobacco Control 11(3): 220-225*, September 2002.)

Studies measuring cotinine (metabolized nicotine) and NNAL (metabolized nitrosamine NNK, a tobacco-specific carcinogen linked to lung cancer) in hospitality workers find dramatic reductions in the levels of these biomarkers after a smokefree law takes effect. Average cotinine levels of New York City restaurant and bar workers decreased by 85% after the city's smokefree law went into effect. ([n.a.], "The State of Smoke-Free New York City: A One Year Review," *New York City Department of Finance, New York City Department of Health & Mental Hygiene, New York City Department of Small Business Services, New York City Economic Development Corporation*, March 2004). After the

implementation of Ontario, Canada's Smokefree Indoor Air Law, levels of NNAL were reduced by 52% in nonsmoking casino employees and cotinine levels fell by 98%. (Geoffrey T. Fong, et. al., "The Impact of the Smoke-Free Ontario Act on Air Quality and Biomarkers of Exposure in Casinos: A Quasi-Experimental Study," *Ontario Tobacco Control Conference, Niagara Falls, Ontario*, December 2, 2006.)

Following a Health Hazard Evaluation of Las Vegas casino employees' secondhand smoke exposure in the workplace, which included indoor air quality tests and biomarker assessments, the National Institute of Occupational Safety & Health (NIOSH) concluded that the casino employees are exposed to dangerous levels of secondhand smoke at work and that their bodies absorb high levels of tobacco-specific chemicals NNK and cotinine during work shifts. NIOSH also concluded that the "best means of eliminating workplace exposure to [secondhand smoke] is to ban all smoking in the casinos." (*Health hazard evaluation report: environmental and biological assessment of environmental tobacco smoke exposure among casino dealers*, Las Vegas, NV. By Achutan C, West C, Mueller C, Boudreau Y, Mead K. Cincinnati, OH: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, NIOSH HETA No. 2005-0076 and 2005-0201-3080, May 2009.)

Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke", *Tobacco Control* 6(4): 346-353, Winter, 1997.) The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," *Nonsmokers' Voice* 15(1): 8-9.)

The U.S. Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" *British Medical Journal* 328: 980-983, April 24, 2004.)

Given the fact that there is no safe level of exposure to secondhand smoke, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smokefree environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smokefree in their entirety. (Samet, J.; Bohanon, Jr., H.R.; Coultas, D.B.; Houston, T.P.; Persily, A.K.; Schoen, L.J.; Spengler, J.; Callaway, C.A., "ASHRAE position document on environmental tobacco smoke," *American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)*, 2005.)

During periods of active smoking, peak and average outdoor tobacco smoke (OTS) levels measured in outdoor cafes and restaurant and bar patios near smokers rival indoor tobacco smoke concentrations. (Klepeis, N.; Ott, W.R.; Switzer, P., "Real-time measurement of outdoor tobacco smoke particles," *Journal of the Air & Waste Management Association* 57: 522-534, 2007.) Nonsmokers who spend

six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smokefree outdoor area. (Hall, J.C.; Bernert, J.T.; Hall, D.B.; St Helen, G.; Kudon, L.H.; Naeher, L.P., "Assessment of exposure to secondhand smoke at outdoor bars and family restaurants in Athens, Georgia, using salivary cotinine," *Journal of Occupational and Environmental Hygiene* 6(11): 698-704, November 2009.)

Residual tobacco contamination, or "thirdhand smoke," from cigarettes, cigars, and other tobacco products is left behind after smoking occurs and builds up on surfaces and furnishings. This residue can linger in spaces long after smoking has ceased and continue to expose people to tobacco toxins. Sticky, highly toxic particulate matter, including nicotine, can cling to walls and ceilings. Gases can be absorbed into carpets, draperies, and other upholsteries, and then be reemitted (off-gassed) back into the air and recombine to form harmful compounds. (Singer, B.C.; Hodgson, A.T.; Nazaroff, W.W., "Effect of sorption on exposures to organic gases from environmental tobacco smoke (ETS)," *Proceedings: Indoor Air 2002*, 2002.) Tobacco residue is noticeably present in dust throughout places where smoking has occurred. (Matt, G.E.; Quintana, P.J.E.; Hovell, M.F.; Bernert, J.T.; Song, S.; Novianti, N.; Juarez, T.; Floro, J.; Gehrman, C.; Garcia, M.; Larson, S., "Households contaminated by environmental tobacco smoke: sources of infant exposures," *Tobacco Control* 13(1): 29-37, March 2004.) Given the rapid sorption and persistence of high levels of residual nicotine from tobacco smoke on indoor surfaces, including clothing and human skin, this recently identified process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion. (Sleiman, M.; Gundel, L.A.; Pankow, J.F.; Jacob III, P.; Singer, B.C.; Destailats, H., "Formation of carcinogens indoors by surface-mediated reactions of nicotine with nitrous acid, leading to potential thirdhand smoke hazards," *Proceedings of the National Academy of Sciences of the United States of America (PNAS)* 107(15): 6576-6581, February 8, 2010.)

Unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or "e-cigarettes," closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that "quality control processes used to manufacture these products are inconsistent or non-existent." ([n.a.], "Summary of results: laboratory analysis of electronic cigarettes conducted by FDA," *Food and Drug Administration (FDA)*, July 22, 2009; <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm> Accessed on: October 22, 2009.) E-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

The Society of Actuaries has determined that secondhand smoke costs the U.S. economy roughly \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost productivity. (Behan, D.F.; Eriksen, M.P.; Lin, Y., "Economic Effects of Environmental Tobacco Smoke," *Society of Actuaries*, March 31, 2005.)

Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after

enactment of laws requiring workplaces to be smokefree. Creation of smokefree workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L., "The effect of ordinances requiring smokefree restaurants on restaurant sales in the United States." *American Journal of Public Health*, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," *GPI Atlantic*, September 2001.)

There is no legal or constitutional "right to smoke." (Graff, S.K., "*There is No Constitutional Right to Smoke: 2008*," Tobacco Control Legal Consortium, 2d edition, 2008.) Business owners have no legal or constitutional right to expose their employees and customers to the toxic chemicals in secondhand smoke. On the contrary, employers have a common law duty to provide their workers with a workplace that is not unreasonably dangerous. (Graff, S.K.; Zellers, L., "*Workplace Smoking: Options for Employees and Legal Risks for Employers*," Tobacco Control Legal Consortium, 2008.)

Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses. ("The high price of cigarette smoking," *Business & Health* 15(8), *Supplement A: 6-9*, August 1997.)

The smoking of tobacco is a form of air pollution, a positive danger to health, and a material public nuisance.

Accordingly, the _____ [*City or County Governing Body*] finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

Sec. 1002. Definitions

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- A. "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- B. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- C. "E-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include

any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

- D. “Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
- E. “Employer” means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.
- F. “Enclosed Area” means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.
- G. “Health Care Facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- H. “Place of Employment” means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a “place of employment” unless it is used as a child care, adult day care, or health care facility.
- I. “Playground” means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on [City *or* County] grounds.
- J. “Private Club” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

- K. "Public Place" means an area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.
- L. "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.
- M. "Service Line" means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
- N. "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- O. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.
- P. "Sports Arena" means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

Sec. 1003. Application of Article to [City-Owned *or* County-Owned] Facilities and Property

All enclosed areas, including buildings and vehicles owned, leased, or operated by the _____ [City *or* County] of _____, as well as all outdoor property adjacent to such buildings and under the control of the _____ [City *or* County], shall be subject to the provisions of this Article.

Sec. 1004. Prohibition of Smoking in Enclosed Public Places

Smoking shall be prohibited in all enclosed public places within the _____ [City *or* County] of _____, including but not limited to, the following places:

- A. Aquariums, galleries, libraries, and museums.
- B. Areas available to the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo facilities.
- E. Child care and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels.
- L. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- M. Polling places.
- N. Public transportation vehicles, including buses and taxicabs, under the authority of the _____ [City *or* County], and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities.
- O. Restaurants.
- P. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- Q. Retail stores.

- R. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the _____ [City or County] or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the _____ [City or County].
- S. Service lines.
- T. Shopping malls.
- U. Sports arenas, including enclosed places in outdoor arenas.
- V. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

Sec. 1005. Prohibition of Smoking in Enclosed Places of Employment

- A. Smoking shall be prohibited in all enclosed areas of places of employment without exception. This includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

Sec. 1006. Prohibition of Smoking in Private Clubs

Smoking shall be prohibited in all private clubs.

Sec. 1007. Prohibition of Smoking in Enclosed Residential Facilities

Smoking shall be prohibited in the following enclosed residential facilities:

- A. All private and semi-private rooms in nursing homes.
- B. All hotel and motel rooms that are rented to guests.

Sec. 1008. Prohibition of Smoking in Outdoor Public Places

Smoking shall be prohibited in the following outdoor places:

- A. Within a reasonable distance of _____ [*recommended 15-20*] feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.
- B. On all outdoor property that is adjacent to buildings owned, leased, or operated by the _____ [City or County] of _____ and that is under the control of the _____ [City or County].
- C. In, and within _____ [*recommended 15-20*] feet of, outdoor seating or serving areas of restaurants and bars.
- D. In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within _____ [*recommended 15-20*] feet of, bleachers and grandstands for use by spectators at sporting and other public events.
- E. In, and within _____ [*recommended 15-20*] feet of, all outdoor playgrounds.
- F. In, and within _____ [*recommended 15-20*] feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the _____ [City or County].
- G. In all outdoor service lines, including lines in which service is obtained by persons in vehicles, such as service that is provided by bank tellers, parking lot attendants, and toll takers. In lines in which service is obtained by persons in vehicles, smoking is prohibited by both pedestrians and persons in vehicles, but only within _____ [*recommended 15-20*] feet of the point of service.
- H. In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least _____ [*recommended 15-20*] feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

Sec. 1009. Prohibition of Smoking in Outdoor Places of Employment

- A. Smoking shall be prohibited in all outdoor places of employment where two or more employees are required to be in the course of their employment. This includes, without limitation, work areas, construction sites, temporary offices such as trailers, restroom facilities, and vehicles.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

Sec. 1010. Where Smoking Not Regulated

Notwithstanding any other provision of this Article to the contrary, smoking shall not be prohibited in private residences, unless used as a childcare, adult day care, or health care facility.

Sec. 1011. Declaration of Establishment or Outdoor Area as Nonsmoking

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 1012(A) is posted.

Sec. 1012. Posting of Signs and Removal of Ashtrays

The owner, operator, manager, or other person in control of a public place or place of employment where smoking is prohibited by this Article shall:

- A. Clearly and conspicuously post “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.
- B. Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited.
- C. Clearly and conspicuously post on every vehicle that constitutes a place of employment under this Article at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited.
- D. Remove all ashtrays from any area where smoking is prohibited by this Article, except for ashtrays displayed for sale and not for use on the premises.

Sec. 1013. Nonretaliation; Nonwaiver of Rights

- A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 1015, violation of this Subsection shall be a misdemeanor, punishable by a fine not to exceed \$1000 for each violation.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Sec. 1014. Enforcement

- A. This Article shall be enforced by the _____ [Department of Health *or* City Manager *or* County Administrator] or an authorized designee.
- B. Notice of the provisions of this Article shall be given to all applicants for a business license in the _____ [City *or* County] of _____.
- C. Any citizen who desires to register a complaint under this Article may initiate enforcement with the _____ [Department of Health *or* City Manager *or* County Administrator].
- D. The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.
- E. An owner, manager, operator, or employee of an area regulated by this Article shall direct a person who is smoking in violation of this Article to extinguish the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.
- F. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.
- G. In addition to the remedies provided by the provisions of this Section, the _____ [Department of Health *or* City Manager *or* County Administrator] or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Sec. 1015. Violations and Penalties

- A. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).
- B. Except as otherwise provided in Section 1013(A), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:
 - 1. A fine not exceeding one hundred dollars (\$100) for a first violation.

2. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 3. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- D. Violation of this Article is hereby declared to be a public nuisance, which may be abated by the _____ [Department of Health *or* City Manager *or* County Administrator] by restraining order, preliminary and permanent injunction, or other means provided for by law, and the _____ [City *or* County] may take action to recover the costs of the nuisance abatement.
- E. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Sec. 1016. Public Education

The _____ [Department of Health *or* City Manager *or* County Administrator] shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Sec. 1017. Governmental Agency Cooperation

The _____ [City Manager *or* County Administrator] shall annually request other governmental and educational agencies having facilities within the _____ [City *or* County] to establish local operating procedures in cooperation and compliance with this Article. This includes urging all Federal, State, _____ [County *or* City], and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Sec. 1018. Other Applicable Laws

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 1019. Liberal Construction

This Article shall be liberally construed so as to further its purposes.

Sec. 1020. Severability

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Sec. 1021. Effective Date

This Article shall be effective thirty (30) days from and after the date of its adoption.

[MO-04]

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Lisa Horowitz

From: Randy Hall
Sent: Thursday, January 10, 2013 11:21 PM
To: darlyn13@msn.com
Cc: Baird Gourlay; Nina Jonas; Jim Stanetz; Michael David; Lisa Horowitz
Subject: RE: Vote Yes on Ketchum's Smokefree Air Ordinance

Preaching to the choir Darlyn!

Thank you for the email and please stay tuned.

Best,

Randy

From: Darlyn Smith [darlyn13@msn.com]
Sent: Thursday, January 10, 2013 5:20 AM
To: Randy Hall
Subject: Vote Yes on Ketchum's Smokefree Air Ordinance

Dear Mayor Randy Hall:

As an American Heart Association advocate and someone who recreates in Ketchum, I urge you to support Ketchum's smokefree air ordinance.

Secondhand smoke is directly linked to heart disease and stroke, the number one killer of both men and women. It is a toxic air contaminant and the U.S. Surgeon General has declared that there is no safe level of exposure to secondhand smoke.

Everyone has the right to breathe clean air. I urge you to support the clean indoor air ordinance requiring all public places in Ketchum to be smokefree.

Sincerely,
Darlyn Smith
1254 N Camelot Dr
Boise, ID 83704-8609

City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



January 13, 2013

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

Recommendation to Amend Fiscal Year 2013 Budget for Events Sponsorship

Introduction/History

The Ketchum Events Commission (KEC) was created in January 2012 with the objective of filling an “events void” left with the dissolution of the Ketchum/Sun Valley Chamber and Visitors Bureau (KSVCVB). Prior to its dissolution, the KSVCVB served, in part, to manage “City sponsored” events through a cash contribution from the City of Ketchum of \$30,000 annually. A list of these events for FY13 is included as **Exhibit A**.

Beginning in FY11, management of these events was made the responsibility of the Ketchum Parks & Recreation Department and \$30,000 was added to that department’s budget. The “Community Special Events” line item is overseen by the Events & Park Reservations Coordinator under authority of the Director of Parks & Recreation. The Ketchum Events Commission provides input as necessary regarding the distribution of these funds, though events supported by the line item are generally free and open to the public (but not in all cases) and are considered “local animation events” whose target audience includes local residents and visitors who may be passers-by. Further, these events serve to animate the community with vibrancy, entertainment, and a means of social gathering.

In the recent past, events whose producers sought City support through fee waivers, liability insurance coverage and cash made these requests directly to the City Council at a regularly scheduled City Council meeting. City Council recently adopted a set of policy guidelines whereby the KEC became a filter for these producers prior to City Council awarding City support; the KEC makes recommendations for level of support for events and the City council can accept, accept with further conditions or changes, or deny these recommendations.

Current Report

Following an initial recommendation for City support for a producer request, it became apparent that further parameters for event support were necessary. Included in this report are these recommended parameters. Recommendations are based on collaboration with members of City Council, City staff and the KEC and include a budget amendment request and an outline of parameters for event producers by which they may request City sponsorship.

Parks & Recreation Department

Jennifer L. Smith, Director | jsmith@ketchumidaho.org
208.726.7820 | www.ketchumidaho.org

Recognizing budget, staffing and resource limitations while understanding the potential positive economic impact of events which are designed to reach a regional or national audience are among the variables considered for these recommendations.

1. Budget:
 - a. In addition to the \$30,000 intended for Local Animation Events which currently exists within the Parks & Recreation Department budget, it is recommended that an additional \$30,000 be added to the Community and Economic Development Department budget.
 - b. Reason: On average, City Council awards this amount to producers seeking City support on an annual basis. It is recommended that this amount be identified for dissemination by the KEC following in-depth analysis.
 - c. Sponsorship awards recommended by the KEC would be disseminated from this new budget amount under ultimate authority of the Community and Economic Development Director (similar to budget authority of the Director of Parks & Recreation over the "Community Special Events" line item within that department).
 - d. Initial communication with City Council will occur in the first year of this new budget line item with the objective of full disclosure to City Council and goal of achieving a mutually understood outcome.
2. Guideline for producers:
 - a. Attached as **Exhibit B** is an application for City sponsorship for events. This application is designed to provide clear parameters for event producers for amount and limitation of funding, and identification of in-kind value for liability insurance coverage and City staff support.
 - b. Attached as **Exhibit C** is the City's current Special Event License Application form which provides necessary initial information for the Events & Park Reservations Coordinator, department heads, and support staff from the Parks Division. This form is routed to department heads for review and solicitation of further required information or documentation.
 - c. A City sponsorship application period is included with these guidelines whereby producers are aware of when they must apply (seasonally) for sponsorship on a bi-annual basis. Establishing deadlines is designed to recognize staffing constraints associated with processing of sponsorship requests and the need to manage a limited budget and resource allotment (staff support for events draws upon existing staff requirements for other City services among various departments).

It is further recommended that fee waivers associated with the City's Special Event Application are no longer considered due to the clear need for responsible coverage of staff time in processing applications and requests for sponsorship.

Financial Requirement/Impact

A budget amendment to include a transfer of \$30,000 from the General Fund's Contingency line item to the Community and Economic Development Department to be identified as "Community Event Sponsorship" is requested. This amount is intended to be an annual budget consideration for City Council in subsequent fiscal years and may be adjusted as decided upon by City Council.

Parks & Recreation Department

Jennifer L. Smith, Director | jsmith@ketchumidaho.org
208.726.7820 | www.ketchumidaho.org

To reiterate, the **goal** of the Community Special Events budget item within the Parks & Recreation Department's budget is to support free or very cheap "local animation events" whose target audience includes local residents and visitors who may be passers-by. Further, these events serve to animate the community with vibrancy, entertainment, and a means of social gathering. If adopted, the **goal** of the recommended "Community Event Sponsorship" budget item within the Community & Economic Development Department is to offer "seed money" and other support through an application and analysis process for new events which are designed to draw a regional or national audience (in addition to a local audience) and will provide a positive economic return for the City of Ketchum, its residents and its business owners.

Recommendation

I respectfully recommend approval of a budget amendment for Fiscal Year 2013 which would include a transfer of \$30,000 from the General Fund's Contingency line item to the Community and Economic Development Department to be identified as "Community Event Sponsorship."

Suggested Motion

"I move to approve a budget amendment for Fiscal Year 2013 which would include a transfer of \$30,000 from the General Fund's Contingency line item to the Community and Economic Development Department to be identified as 'Community Event Sponsorship'."

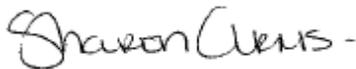
Sincerely,



Lisa Horowitz,
Community & Economic
Development Director



Jennifer L. Smith,
Director of Parks & Recreation



Sharon Arms,
Events & Park Reservations Coordinator

Parks & Recreation Department

Jennifer L. Smith, Director | jsmith@ketchumidaho.org
208.726.7820 | www.ketchumidaho.org

Special Events 2013

Exhibit A

<u>Date of Event</u>	<u>Name of Event</u>	<u>Estimated Cost</u>	<u>Description of Event</u>	<u>Actual Cost</u>
10/27/2012	Nightmare on Main St	\$2,500.00	Ketchum's annual street party	\$2,000.00
12/6/2012	Holiday Tree Lighting	\$1,000.00	Annual Tree Lighting in KTS	\$800.25
2/2/2013	RITM	\$1,500.00	Reggae in the Mountains	\$1,500.00
3/23/2013	Sun Valley Solfest	\$3,000.00	Spring Break Event held on Main Street	
3/23/2013	Rail Jam	\$1,000.00	Rail Jam Competition	
5/20/2013	Ketchum Wide Open	\$500.00	Annual miniature golf bars & TS	
June-August	Ketch'em Alive	\$3,000.00	Weekly music series in FSP	
June-August	Town Square Tunes	\$7,000.00	Weekly music series in ketchum TS	
June-July	Jazz in the Park	\$3,000.00	Weekly music series in Rotary Park,	
Total		\$22,500.00		\$ 4,300.25
Balance				\$ 18,199.75
\$ to Allocate		7,500.00		
\$700 contingency				



City of Ketchum | Parks & Recreation Department
 900 Third Ave. North Ketchum, ID 83340
 (208) 726-7820 – office
 (208) 726-5501 – fax
 www.ketchumidaho.org

City Event Sponsorship Request Application

Summer Event season (June-September) deadline for sponsorship applications: February 28

Winter Event season (November-May) deadline for sponsorship applications: July 31

Sponsorship cash award limitations and parameters:

The Ketchum Events Commission may entertain sponsorship of an event up to \$7,000 on an annual basis. If the producer wishes to request more than this amount, he/she will be required to petition City Council as scheduled through the Events & Park Reservations Coordinator.

Official only
 Date received:
 Staff initial:
 KEC review date:

Petitions to submit a sponsorship application outside of the established deadlines or over the established cash limitations may be submitted to the Events & Park Reservations Coordinator. Cash awards are based on information provided below.

Event Producer Information

Producer Name: _____ Phone Number: _____

Email address: _____

Event Name: _____

Special Event Application submitted and fee paid? YES NO

*(City sponsorship **will not** be considered if you checked “no” – the Special Event Application provides necessary information regarding City department/staff requirements and other pertinent information relative to community health and safety)*

City liability insurance coverage requested? YES NO N/A

If “yes” is checked, provide in-kind amount for this request here: \$ _____

Sponsorship cash amount requested: \$ _____

In-kind City support requested and cash value (e.g. Police, Fire, EMS, Parks, Street): \$ _____

I, the undersigned, have reviewed the completed sponsorship application and know the contents thereof to be true. I represent and warrant that I have the lawful authority and authorization to execute this application for and on behalf of the entity applying for the Special Event License and Sponsorship Request. I have reviewed the conditions of City of Ketchum Title 12, Chapter 12.32 and do hereby agree to the terms set forth therein. Furthermore, I acknowledge that if I fail to so comply with the criteria and conditions set forth in Title 12, Chapter 12.32, my Special Event License will be revoked and I will be responsible for reimbursing the City of Ketchum for any cash or in-kind support offered.

Applicant's Signature: _____ Date: _____

Ketchum Events Commission – official only

KEC Chair initial: _____ Date: _____

Award amount and additional description/documentation of support (cash, waivers, etc.):

Date presented to KEC: _____ Producer/rep present? YES NO

Deadline met or waived? _____

Additional notes (including any administrative decisions, vote by KEC membership and/or vote by City Council, proof of insurance coverage provided, proof of cash award provided):



www.ketchumidaho.org

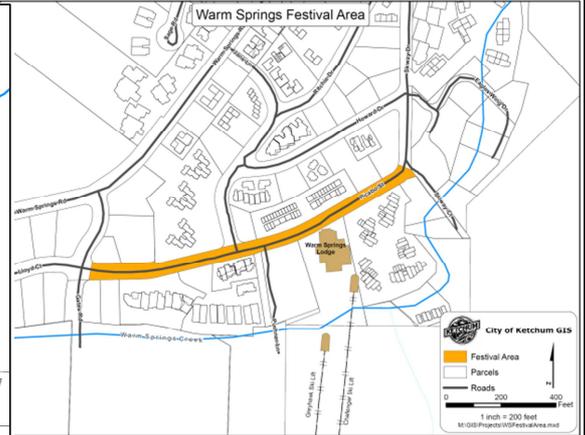
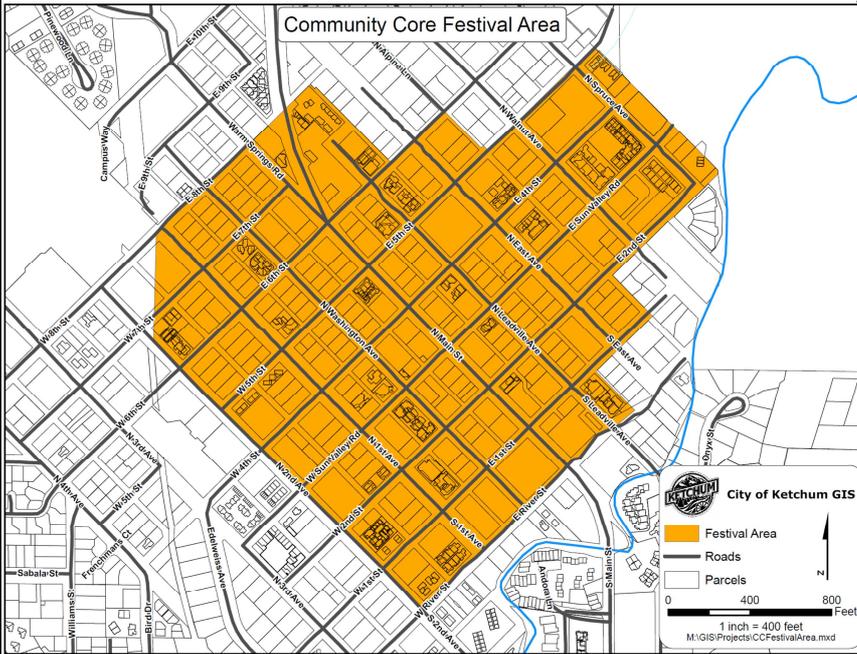
**CITY OF KETCHUM
PARKS & RECREATION**

900 Third Avenue North
Ketchum, ID 83340
(208) 726-7820- office
(208) 726-5501- fax

OFFICIAL USE ONLY
DATE RECEIVED
FEE PAID

SPECIAL EVENT LICENSE APPLICATION

IS YOUR EVENT LOCATED IN THE FESTIVAL AREA? Yes No



If the answer is yes, the event is subject to the rules and regulations of the "Festival Area", which includes additional fees, submittal and approval timelines, and revised noticing requirements. If the answer is no, the event is subject to the standard regulations and applicable fees.

IF YES, WHICH CATEGORY (CHECK ONE):

<input type="checkbox"/> Category A	Special Events that do not require a street closure and have an anticipated attendance under 300 people.	\$100.00
<input type="checkbox"/> Category B	Special Events that require a street closure of one (1) day or less; or have an anticipated attendance of 300 or more people; or a weekly event that takes place up to but not more than four consecutive weeks.	\$200.00
<input type="checkbox"/> Category C	Special Events requiring a street closure of more than one day; or a weekly event that takes place more than four consecutive weeks.	\$600.00

CONTACT INFORMATION {License Holder}	SECONDARY CONTACT
Name:	Name:
Address:	Address:
Phone:	Phone:
Email:	Email:

EVENT COORDINATION

Have you checked existing event schedules for possible event conflicts?
 Yes No If yes, list the other events Scheduled:

NAME OF EVENT:
Description { <i>DESCRIPTION & PURPOSE</i> }:
Location of Event { <i>ADDRESS, LEGAL DESCRIPTION OF PROPERTY</i> }:
Expected number of participants and/or spectators:
Admission charge per person \$
Who benefits from admission charge?

EVENT SCHEDULE	
Start setup { <i>DATE&TIME</i> }	
Event Time { <i>BEGINNING-END</i> }	
Clean up Complete { <i>TIME</i> }	

Once you receive notice that your application is approved, it is your sole responsibility to coordinate the City services that you requested and were approved with the appropriate City Department providing the service.

POLICE SERVICES
Law enforcement services request for: <input type="checkbox"/> Security <input type="checkbox"/> Traffic Control <input type="checkbox"/> Parking Control <input type="checkbox"/> (Other)
Indicate number of officers requested and the dates and times needed:
<i>*NOTE: The Chief of Police reserves the right to place officers and to staff events as he feels is in the best interest of public safety and all officers remain employees of the City even when working private events. Fees are charged for services according to the policies of the Police Department and the City of Ketchum.</i>

FIRE AND AMBULANCE
If using or storing flammable materials, including fireworks, describe materials and location of use
<i>*NOTE: Approval from the Fire Department is required if using or storing flammable materials</i>
Are you requesting ambulance service at your event? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>*NOTE: Availability and approval of request is determined by the Fire Department.</i>

CITY PARKS, BUILDINGS, AND PUBLIC RIGHT-OF-WAY
List City property, public right-of-way, and/or buildings you would like to use for your event:
<i>*NOTE: Some City facilities have user fees which may apply to your event. A reservation must be made with the Parks and Recreation Department for use of City Parks. Please contact Sharon Arms at the Ketchum Parks Department for reservations (208)-726-7820 xt 106</i>

USE OF STREETS AND STREET CLOSURES
Does the event require a street closure? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, contact the Ketchum Street Department to plan the proposed street closure (208) 726-7831
List any street use and/or closure requests { <i>DATES, TIMES, DISTANCE</i> }:

RESTROOM FACILITIES Company name to be used:
Describe type, number, and location of restroom facilities to be used:

TEMPORARY STRUCTURES

Describe type of temporary structures (including 10' x 10' pop-up tents), what they will be used for, who will erect and disassemble the structures, etc.:

***NOTE: All temporary structures are subject to City inspection to assure compliance with building and fire codes.**

TRANSPORTATION AND PARKING

Describe parking facilities, for bicycles and vehicles, for your event:

Describe the proximity of the location of your event to transit service and whether your event has been scheduled to correspond with transit schedules (www.mountainrides.org):

Describe how you will minimize the number of vehicles driven to the event and how you will encourage people to bike, walk, carpool, or ride transit to the event:

ELECTRICITY AND NOISE

Describe ALL electrical equipment being used: *Check the amperage needed and indicate how many outlets you will need:*

50amp x _____ number of outlets 20amp x _____ number of outlets

Please bring your own extension cords and power strips. A vendor utility fee may be assessed to cover the cost

Will your event use sound equipment to amplify noise? Yes No

If yes, have you reviewed and do you agree to follow the approved noise levels stated in section 9.08.040 in the City code?

Yes No

****the city code can be reviewed at http://www.sterlingcodifiers.com/codebook/index.php?book_id=344***

CONCESSIONS (*If information on vendors is not currently available, please submit the following information ten (10) days prior to event)

Describe concessions to be sold at your event (what will be sold, who is selling and where will sales take place):

Describe location of alcohol sales, hours of operation, control of sales to minors, type of containers:

*******Attach a list of each vendor selling concessions with the following information for each vendor, Catering Permit number, Sales Tax number, and Tax Exempt number.***

NOTE: A catering permit and sales tax: number is obtained from the City Clerk.

WASTE DISPOSAL AND RECYCLING (Please coordinate with the Environmental Resource Center for recycling at your event, call Clear Creek Disposal or Independent Rubbish Service for waste disposal)

Describe your trash management procedures:

SIGNAGE Complete separate sign permit application for temporary signs related to your event.

Has a sign permit been obtained?

Yes No

INSURANCE REQUIREMENTS

Attach a certificate of public liability insurance pursuant to the following requirements of Title 12., Chapter 12.32: *Every applicant, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of the licensed special event public liability insurance in the amount of one million dollars (\$1,000,000.00) per person and one million dollars (\$1,000,000.00) per accident. In addition, every applicant, at its sole cost and expense, shall obtain and maintain public liability insurance for property damage in the amount of one million dollars (\$1,000,000.00). Certificates of such insurance shall be filed concurrently with the application for the special event. Such certificates shall be subject to the approval of the city attorney and shall contain an endorsement stating that the City of Ketchum is named as an additional insured and that said insurance will not be canceled or altered by the insurance company or applicant without ten (10) days prior written notice of such intended alteration or cancellation to the City.* Current certificates of such insurance shall be kept on file at all times during the term of the special event.(Ord. 669 § 7, 1995)

Have you done the following:

- City of Ketchum must be named as an *additional insurer*.
- General liability policy with a minimum \$1 million per person and \$1 million per accident.
- Public liability insurance for property damage in the amount of \$1 million.
- Copy provided to Special Event staff

OUTSIDE AGENCIES

It is the applicant's responsibility to contact agencies outside of Ketchum which may be involved in the permit, inspection, sales, convenience, or assistance process connected with your event. Those agencies may include, but are not be limited to: (Check the agencies you have contacted)

- | | |
|---|---|
| <input type="checkbox"/> Health Department | <input type="checkbox"/> Idaho Highway Patrol |
| <input type="checkbox"/> Idaho Power | <input type="checkbox"/> Blaine County Recreation District (A separate permit is required for BCRD for use of any portion of the Wood River Trail System) |
| <input type="checkbox"/> Intermountain Gas | <input type="checkbox"/> Other |
| <input type="checkbox"/> Idaho Department of Transportation | |
| <input type="checkbox"/> Idaho State Tax Commission | |
| <input type="checkbox"/> Idaho Alcohol Beverage Control Board | |

AUTHORIZATION OF APPLICANT

I have reviewed the completed application and know the contents thereof to be true. I represent and warrant have the lawful authority and authorization to execute this application and attached indemnity agreement, for and on behalf of the entity applying for the special event license. I have reviewed the conditions of City of Ketchum Title 12, Chapter 12.32 and do hereby agree to the terms set forth therein. Furthermore, I acknowledge that if I fail to so comply with the criteria and conditions set forth in Title 12, Chapter 12.32, my special event license will be revoked. 0

Pursuant to Resolution No. 08-123, any direct costs incurred by the City of Ketchum to review this application will be the responsibility of the applicant. Costs include but are not limited to engineer review, attorney review, noticing, and copying costs associated with the application. The City will require a retainer to be paid by the applicant at the time of application submittal to cover said associated costs. Following a decision or other closure of an application, the applicant will either be reimbursed for unexpended funds or billed for additional costs incurred by the City.

Applicant's Signature

INDEMNIFICATION AGREEMENT

In connection with sponsoring the event described in the attached application, a "Special Event" to be held in Ketchum, and as a condition of obtaining a license therefore,

_____ (hereafter referred to as "Applicant"), agrees that Applicant shall indemnify and save and hold harmless the City of Ketchum, (hereafter referred to as "City"), City's officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests, and business invitees and not caused by or arising out of the tortious conduct of City or its officials, agents or employees. In addition, Applicant shall maintain and specifically agrees that it will maintain, throughout the course of the "Special Event" liability insurance in which City shall be named insured in the minimum amount as specified in Title 12, Chapter 12.32. The limits of insurance shall not be deemed a limitation of the covenants to indemnify and save and hold harmless City from and for all such losses claims, actions, or judgments for damages or liability to persons or property. Applicant shall provide City with a Certificate of Insurance evidencing Applicant's compliance with the requirements of this paragraph and file such proof of insurance with the Special Events Coordinator.

DATED this _____ day of _____, 20_____.

Signature of Applicant

STATE OF IDAHO

County of Blaine

On this _____ day of _____, 20_____, before me, a Notary Public in and for the State of Idaho, personally appeared _____, known to me or proved to me upon satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

Notary Public

Residing at: _____

Commission expires: _____

City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



January 7, 2013

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

Recommendation for Approval of a Contract for Services With Lloyd Construction Inc. for Mechanical & Electrical.

Introduction/History

The Wastewater Department Capital Improvement Plan for FY 2012-13 includes the construction of the Reuse Water Pump Station Building located at the Wastewater Treatment Plant. The building will house the pumps and associated electric equipment needed to deliver reuse water to Weyyakin, and to provide reuse water to Sun Valley Water and Sewer District (SVWSD) and their future customers.

Current Report

The Wastewater Department recently advertised in the Idaho Mountain Express, as required by Idaho Statute, requesting bids for the Reuse Pump Station Mechanical/Electrical Project. Two bidder submitted bids. Each bid form has been included for your review. Both bidders hold current Idaho Public Works licenses. Listed below are the bid totals for each contractor, with Lloyd Construction Inc. Having the lowest bid: in the amount of \$242,000.00.

1 Lloyd Construction Inc.	\$242,000.00
2 Star Constructions Inc.	\$249,024.00

Financial Requirement/Impact

The Pump Station Mechanical/Electrical Project amount reflects the cost to install Pumps, VFD's, Electrical, HVAC plus all Plumbing. Since this is a capital improvement project the cost will be shared equally by the SVWSD and the City of Ketchum.

Project Engineers (Forsgren) estimated the total cost for this project to be approximately \$230,000.00 Attached is a copy of Forsgren Engineering Recommendation.

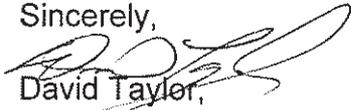
Recommendation

I respectfully recommend the City Council approve the contract for services with Lloyd Construction Inc. In the amount of \$ 242,000.00

Recommended Motion:

RECOMMENDATION: *"I move to approve the Contract Agreement for Services with Lloyd Construction INC. For the not to exceed amount of \$ 242,000.00"*

Sincerely,



David Taylor,
Wastewater Treatment Plant Supervisor

FORSGREN

Associates Inc.

January 7, 2013

City of Ketchum
110A River Ranch Rd.
P.O. Box 2380
Ketchum, ID 83333
Attn: David Taylor / Wastewater Superintendent

Re: Bid Award Recommendation – Recycled Water Pump Station – Mechanical/Electrical

Dear David:

The Recycled Water Project consists of several bid packages which when all completed will provide Class A reuse water from the wastewater plant to a splitter vault in the Weyyakin subdivision. The City of Ketchum / SVWSD advertised the work in the Idaho Mountain Express as required by Idaho Statute for Purchasing by Political Subdivisions (Idaho Statute 67-2805) with a bid date of January 3, 2013.

The bid amount was read aloud at the prescribed time for the two bidders: Lloyd Construction and Star Construction. The bid amounts are shown below:

1. Lloyd Construction, Inc. \$242,000
2. Star Construction, Inc. \$249,024

The Engineer's cost opinion was completed at the predesign phase of the project (Preliminary Engineering Report dated January 2012). The PER cost opinion Table 1.2 shows the pump installation, pump station piping and electrical with values of \$40,000, \$95,000 and \$95,000, respectively. The Engineer's bid estimate included these three items plus a 15% contingency for a total of \$264,500. The low bidder was 8.5% lower than the Engineer's estimate.

The bidders acknowledged the four addendums and included a 5% bid bond. The low bidder, Lloyd Construction, is a licensed Public Works Contractor (008554-B-3). Lloyd Construction identified their electrical subcontractor as C&R Electrical (ELE-C-17975 and Public Works 17237-B-4) and HVAC subcontractor as Thornton Heating (HVC-C-3015 and Public Works 003192-A-4). The City / District recently completed the Recycled Water Building portion of the recycled water program with Lloyd Construction with all work meeting, or exceeding, industry standards.

We recommend award of the work to Lloyd Construction, Inc. for the bid amount of \$242,000. If you have any questions regarding our recommendation, please call us.

Sincerely,



Bradley S. Bjerke, P.E.
Project Engineer Manager

Attachments: Proposal from Bidder

Cc: Pat McMahon / SVWSD Manager

City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



January 15, 2013

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

Consideration of Anti-Discrimination Ordinance for the City of Ketchum

INTRODUCTION: Under current law anyone can be fired, denied housing or public accommodation solely because of his or her sexual orientation or gender identity/expression. While state and federal laws prohibit discrimination in the areas of employment, public accommodation, and housing on the basis of race, color, age, sex, national origin, and/or disability, there are no such protections against discrimination on the basis of sexual orientation or gender identity/expression. Following in the wake of numerous cities in twenty-one states¹, several cities in Idaho are either considering or have adopted an anti-discrimination ordinance. The attached Anti-Discrimination Ordinance would protect all people in Ketchum against discrimination based on those qualities.² The ordinance would not create quotas, special treatment or special protections for one group.

Meant to bolster state / federal law; not to supplant it, the ordinance should not be construed as supporting or advocating any particular doctrine, position, point of view, or religious view. To the contrary, it is the intention of this ordinance that all persons are treated

¹ More than 125 cities and counties and 21 states, including Washington, have laws prohibiting discrimination in employment, housing and public accommodations based on sexual orientation. Sixteen of those states, including Washington, also ban discrimination based on gender identity.

In 2008, the Boise State University public policy survey queried Idahoans about whether they thought it should be illegal to fire someone because they are, or are perceived to be, gay or lesbian. Sixty-three percent said yes.

Following a public hearing on November 13, 2012, the Boise City Council will consider the adoption of Ordinance No. O-36-12 on December 4; interestingly at the Statehouse. Boise's proposed ordinance follows in the wake of the City of Sandpoint's antidiscrimination ordinance.

The City of Sandpoint based their ordinance on the cities of Berwyn, IL, Charleston, SC, City of Chicago, IL, Denver, CO, Fort Worth, Texas, Havorford Township, PA, Indianapolis, IN, Kalamazoo, MI, Logan, UT, Tennessee Equality Project, West Valley City, Utah, York, PA. See also *City of Atlanta v. McKinney*, 454 SE2d 517; Antidiscrimination Law Treatise http://www.law.gmu.edu/assets/files/publications/working_papers/00-39.pdf and <http://www.lambdalegal.org/>.

² As required by federal and state law, the ordinance would not apply to religious organizations, certain private associations whose expressive associations would be burdened by the ordinance (such as the Boy Scouts), government agencies with offices within the City and some specific housing situations.

fairly and equally in the City of Ketchum. Emulating the policies articulated in cities such as Sandpoint and Boise, the ordinance was designed with four main priorities:

1. Education – allow the parties to recognize that they may have a problem and encourage change;
2. Mediation – get the parties to compromise and resolve any problems;
3. Citation – investigate and issue a citation for violation of the ordinance;
4. Prosecution – City Attorney is the last gatekeeper/negotiator before it goes to court.

The emphasis of the ordinance is primarily on mediation and education; i.e. to foster an environment where employers, landlords, and business owners can modify their policies and procedures for the better good; not to prosecute local business people. Thus, the Ordinance has a very important mediation component which may serve to keep a criminal charge from being filed. If mediation is unsuccessful, violations would be prosecuted as misdemeanors, though prosecutors would have the option to reduce the charge to an infraction if the defendant takes remedial measures, trains employees or otherwise conforms his/her conduct.

The City of Ketchum may wish to provide a forum (a committee) wherein the City hosts a potential settlement opportunity for resolution of such claims short of turning to the courts. This is not required. However, the city's ordinance does not and may not supplant an individual's private, civil cause of action against an employer for discrimination. Basically, the proposed ordinance mirrors approximately twenty-five (25) similar ordinances wherein the cities desired to take a positive political stance on discrimination while not running afoul of state and federal legislation. While these ordinances have not been tested in the Courts in Idaho as yet, the ordinance has been carefully drafted.

FISCAL IMPACT/BUDGET IMPLICATIONS: The resources required to enforce this ordinance will largely depend upon how many complaints are made to the Police Department. The complaints will be received and investigated by the Police Department and the administrative process as well as possible prosecution by the Ketchum City Prosecutor. The ancillary costs will be the time and effort in administering the mediation / hearing process. It is anticipated that current staffing will be sufficient to properly administer and enforce the ordinance.

ATTACHMENTS: Proposed Ordinance

RECOMMENDATION: Approval

SUGGESTED MOTION: "Pursuant to Idaho Code §50-902, I move for approval and adoption of Ordinance Number 1102, amending Title 9, Ketchum Municipal Code by addition a new chapter, 9.24 entitled Discrimination Prohibited"

Sincerely,

Paul J. Fitzer
Ketchum City Attorney

ORDINANCE NO. 1102

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, ENACTING A NEW SECTION TO THE KETCHUM MUNICIPAL CODE TITLE 9.24, TO PROHIBIT DISCRIMINATORY ACTS IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND GENDER IDENTITY/EXPRESSION; ESTABLISHING A PURPOSE AND POLICY DECLARATION; ESTABLISHING DEFINITIONS; ENUMERATING PROHIBITED DISCRIMINATORY ACTS; PROVIDING EXCEPTIONS; ESTABLISHING A HUMAN RIGHTS BOARD; PROVIDING DUE PROCESS INCLUDING MEDIATION, INVESTIGATION, AND HEARING; PROVIDING A PENALTY PROVISION; CLARIFYING THAT THIS ORDINANCE DOES NOT CREATE A PRIVATE RIGHT OF ACTION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the policy and intent of the City of Ketchum that no person be denied equal protection of the laws; nor shall any person be discriminated against because of his or her sexual orientation or gender identity/expression; and

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

WHEREAS, nothing contained herein should be construed as supporting or advocating any particular doctrine, position, point of view, or religious view. To the contrary, it is the intention of this ordinance that all persons are treated fairly and equally in the City of Ketchum.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM:

Section 1: That Title 9.24, Ketchum City Code, entitled “DISCRIMINATION PROHIBITED” be and hereby is enacted as follows:

9.24.010: PURPOSE AND DECLARATION OF POLICY

- A. In order to ensure that all persons, regardless of sexual orientation, gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations, the City of Ketchum has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed, and appropriate legislation be enacted.
- B. It is hereby declared that every individual in the City of Ketchum has the right to work and earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and hospitality.
- C. It is hereby declared to be the public policy of the city of Ketchum to foster the employment of all individuals in accordance with their abilities. Every individual has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social, and commercial life of the community. The contributions of all the citizens of the City of Ketchum are essential to the City's growth, vitality, and prosperity.
- D. It is the intention of this section that all persons be treated fairly and equally, and it is the express intent of this section to guarantee fair and equal treatment under the law to all people of the city of Ketchum. The

denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is detrimental to the health, safety, and welfare of the city's citizens, and damages a city's economic well-being.

- D. This section shall be deemed an exercise of the police power of the city of Ketchum for the protection of the public welfare, prosperity, health and peace of the city of Ketchum, its residents and the community.
- E. The prohibitions against discriminatory acts as provided for in this section are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints alleging discrimination on a basis proscribed under state or federal law (e.g., race, color, religious creed, ancestry, age, sex, national origin, and/or disability) the complainant is advised of their right to file their complaint alleging a violation of Idaho Code section 18-7301 et. seq., and/or his or her right to file a complaint with the Idaho Commission on Human Rights and/or the Federal Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964 as amended, the Fair Housing Act of 1968 as amended, or the Americans with Disabilities Act of 1990 as amended.
- F. No power or duty granted hereunder to the human relations review board is intended to exceed nor shall it be construed as exceeding those powers and duties granted to the Idaho commission on human rights, Idaho Code 67-5901 et seq.

9.24.020: DEFINITIONS

- A. ANY PERSON: Shall be construed to include the city and any owner/employer, lessee, proprietor, manager, agent, employee, whether one or more natural persons, partnerships, associations, organizations, corporations, companies, cooperatives (including its officers and/or board of directors), boards and commissions, engaged in or exercising control over the operation of any business, place of public resort, accommodation, assemblage or amusement in the city of Ketchum.
- B. "DENY" is hereby defined to include any act which directly or indirectly, by any person or his agent or employee, that results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation, gender identity/expression.
- C. "DISCRIMINATION" is any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person's sexual orientation or gender identity/expression.
- C. "FULL ENJOYMENT OF" shall be construed to include, but not be limited to, the right to use or purchase real property, any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular sexual orientation, gender identity/expression to be treated as not welcome or accepted.
- D. "GENDER EXPRESSION/IDENTITY" means a gender related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.
- E. "HOUSING ACCOMMODATION" is a building or portion of a building, whether constructed or to be constructed, that is or will be used as the home, domicile, residence, or sleeping quarters of its occupants.

- F. "HUMAN RELATIONS REVIEW BOARD" shall be a quasi-judicial group consisting of three (3) or more persons appointed by the mayor to process complaints and determine if prohibited discriminatory acts have occurred in the city of Ketchum.
- G. "PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE OR AMUSEMENT" includes, but is not limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution.
- H. SEXUAL ORIENTATION: Actual or perceived homosexuality, heterosexuality and/or bisexuality.

9.24.030: PROHIBITED DISCRIMINATORY ACTS

The following acts are prohibited and constitute a misdemeanor punishable in accordance with Idaho Code 18-113:

- A. To deny to any other person because of sexual orientation and/or gender identity/expression the right to work: (a) by failing or refusing to hire, (b) by discharging, (c) by barring from employment, (d) by discriminating against such person in compensation or in other terms or conditions of employment, or (e) otherwise discriminating against an individual with respect to employment.
- B. To deny to or to discriminate against any person because of sexual orientation and/or gender identity/expression the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.
- C. To deny to or discriminate against any other person because of sexual orientation and/or gender identity/expression in the sale, purchase, lease or rental of any housing accommodation, or to otherwise discriminate in the terms and conditions, maintenance, improvement or repair of any housing accommodation.
- D. To discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting, or participating in any manner in the investigation, or in mediation under this section.
- E. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this section to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this section

9.24.040: EXCEPTIONS

- A. Notwithstanding any other provision herein, nothing in this section is intended to alter or abridge other rights, protection, or privileges secured under state or federal law. This section shall be construed and applied in a manner consistent with first amendment jurisprudence regarding the freedom of speech and exercise of religion.
- B. This chapter does not apply to:
 - 1. Religious corporations, associations, educational institutions, or societies.
 - 2. An expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).
 - 3. The United States government, any of its departments or agencies, or any corporation wholly owned by it; or the state of Idaho or any of its departments, agencies, or political subdivisions, except the City of Ketchum.
- C. This ordinance shall not apply: (a) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the lessor or a member of his family resides in one (1) of the housing accommodations, or (b) to the rental of a room or rooms in a single family residential housing accommodation by an individual if he or a member of his family resides therein.

9.24.050: ESTABLISHMENT OF HUMAN RELATIONS REVIEW BOARD 

- A. Pursuant to Idaho Code section 50-210, there is hereby established a human relations review board in and for the city of Ketchum (hereinafter referred to as the "Ketchum human relations review board" or the "review board").
- B. The review board shall consist of a quorum of three (3) or more members. All members of the review board shall be appointed by the mayor of the city of Ketchum and confirmed by the city council. Members shall be residents of the city. No member of the review board shall hold any office in any political party.
- C. Members of the review board shall serve without salary but may be paid expenses incurred in the performance of their duties, as approved by city council.
- D. One of the review board's members shall be appointed by the members thereof as chairperson. The chairperson will be responsible for setting review board meetings, coordinating with the mayor and city clerk regarding received complaints and answers, and generally ensuring that the duties of the review board are fulfilled.
- E. The review board shall have jurisdiction over prohibited discriminatory acts committed within the city of Ketchum as it relates to sexual orientation, gender identity/expression.
- F. The review board shall be empowered to promulgate such additional procedures as it determines necessary to implement the intent of this section.
- G. The Ketchum city council hereby grants to the review board, with respect to prohibited discriminatory acts as defined herein, all of the powers necessary to the execution of its duties as set forth herein, provided that those powers shall not exceed those exercised by the Idaho commission on human rights now or as may be granted in the future by the Idaho legislature.

9.24.060: PROCEDURES

A. Filing A Complaint:

1. Person(s) claiming to be aggrieved by a prohibited discriminatory act may make, sign, and file a verified complaint alleging violations of this section, which shall include the following information:
 - a. The name and address of the aggrieved person(s);
 - b. The name and address of the person(s) alleged to have committed the prohibited practice;
 - c. A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory act;
 - d. If applicable, the address and a description of any property which is involved; and
 - e. Such other information as may be required by the review board.
2. Complaints may be filed in person or by mail at the city clerk's office. All complaints must be received by the city clerk's office within ninety (90) days of the alleged discrimination, or the complaint will not be considered timely.
3. The city clerk shall convey each original complaint received by the city to the chairperson of the Ketchum human relations review board within ten (10) days of the receipt of such complaint.

B. Notification And Answer:

1. Within thirty (30) days of its receipt of a complaint, the Ketchum human relations review board shall determine if it has jurisdiction hereunder to hear the complaint. If the review board determines that it does not have such jurisdiction, it shall dismiss the complaint and notify the aggrieved party. If the review board determines it has jurisdiction to hear the complaint, it shall proceed as follows:
 - a. Send a copy of the complaint to the person(s) charged with a prohibited discriminatory act (the "respondent"); and
 - b. Send a notice to the person(s) aggrieved (the "complainant"), informing them that the complaint has been received.
2. The respondent must file, with the city clerk, a written verified answer to the complaint within thirty (30) days of respondent's receipt of the complaint from the city. The answer shall be conveyed by the city clerk to the chairperson of the review board within ten (10) days. The review board shall within five (5) days send a copy of the answer to the complainant.

9.24.070: MEDIATION

- A. After the answer has been received, the review board shall, within fifteen (15) days, invite the parties to voluntarily participate in mediation of their dispute. The parties must respond within fifteen (15) days of being invited to mediate. The parties must accept or reject the invitation to mediation.
- B. If accepted by parties, mediation shall be conducted in accordance with procedures promulgated by the review board. Parties may jointly select a mediator. If parties cannot agree, a mediator shall be selected pursuant to procedures promulgated by the review board. The parties shall be jointly responsible for all financial costs and expenses associated with mediation.
- C. The parties shall notify the review board as to whether the mediation successfully resolved the complaint. Mediation proceedings shall otherwise be confidential. Neither the results thereof, nor any record made in connection therewith, shall be made public unless agreed to in writing by both parties.
- D. If the mediation has successfully resolved the complaint, the review board shall promptly notify the parties that it has dismissed the complaint.

9.24.080: INVESTIGATION AND DETERMINATION:

If mediation is not desired or was not successful in resolving the complaint, the review board shall not dismiss the complaint but shall instead undertake the following procedures:

- A. Investigation: The review board shall, in a timely fashion, investigate the allegations of a prohibited discriminatory act set forth in the complaint in coordination with a local law enforcement agency. The city may, in the conduct of such investigation and upon request of the investigator, issue subpoenas to any person charged with a prohibited discriminatory act, commanding such person to furnish information, records or other documents, as necessary to assist in the review board's investigation.
- B. Determination:
 - 1. Finding Of No Cause: If it is determined after the review board's investigation that there is no basis for the allegations of the complaint, the review board shall issue and serve upon the parties written notice of such determination and dismissal of the complaint.
 - 2. Finding Of Cause: If it is determined after the review board's investigation that the respondent has engaged in or is engaging in any unlawful discriminatory act, as defined in this section, the review board shall state its findings of fact, and will refer the matter to the city attorney to pursue civil, equitable or criminal remedies.

9.24.090: PENALTY:

- A. A violation of this section shall constitute a misdemeanor, punishable as provided in Idaho Code section 18-113.
- B. A prosecutor may reduce the violation to an infraction, payable by a \$100 fine, if the defendant engages in corrective actions, which may include, but are not limited to the following: sensitivity training for the defendant and/or the defendant's employees; the defendant's agreement to adopt and pursue a policy of nondiscrimination in its practices; and the defendant's agreement to not engage in discriminatory practices in the future. The charge shall be filed as a misdemeanor violation and may only be reduced upon motion of the prosecutor. There shall be no right to a trial by jury for an infraction citation or complaint.
- C. A complaint filed under the provisions of this Chapter must be filed within 180 days of the alleged discriminatory conduct.
- D. Any person who falsely reports a violation of this chapter may be charged with the crime of providing false information (I.C. § 18-5413) or other applicable criminal action.

9.24.100: PRIVATE RIGHT OF ACTION:

There is no private right of action that is created by this section or money damages available to any person based on this section.

9.24.110: SAVINGS AND SEVERABILITY CLAUSE. If any section, paragraph, sentence or provision hereof, or the application thereof to any particular circumstance shall ever be held invalid or unenforceable by a Court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 2. Nothing in this Ordinance shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, and permit issued, or any cause or causes of action existing under the General Ordinances of the City of Ketchum or the State of Idaho.

Section 3. SUMMARY. That a summary of this Ordinance, attached hereto as Exhibit A, is approved as to both form and content.

Section 4. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on this 22nd day of January, 2013.

APPROVED:

Randy Hall, Mayor

ATTEST:

SANDRA E. CADY, City Clerk

SUMMARY OF ORDINANCE NO. 1102

PUBLIC NOTICE IS HEREBY GIVEN that the City of Ketchum, Idaho, adopted at its regular meeting of January 22, 2013, that Ordinance No. 1102 entitled:

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, ENACTING A NEW SECTION TO THE KETCHUM MUNICIPAL CODE TITLE 9.24, TO PROHIBIT DISCRIMINATORY ACTS IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND GENDER IDENTITY/EXPRESSION; ESTABLISHING A PURPOSE AND POLICY DECLARATION; ESTABLISHING DEFINITIONS; ENUMERATING PROHIBITED DISCRIMINATORY ACTS; PROVIDING EXCEPTIONS; ESTABLISHING A HUMAN RIGHTS BOARD; PROVIDING DUE PROCESS INCLUDING MEDIATION, INVESTIGATION, AND HEARING; PROVIDING A PENALTY PROVISION; CLARIFYING THAT THIS ORDINANCE DOES NOT CREATE A PRIVATE RIGHT OF ACTION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance enacts a new city code provision prohibiting discrimination in the areas of employment, public accommodation, and housing on the basis of sexual orientation or gender identity/expression. It is the policy and intent of the City of Ketchum that all persons are treated fairly and equally in the City of Ketchum; that no person be denied equal protection of the laws or discriminated against because of his or her sexual orientation or gender identity/expression. The ordinance prohibits certain discriminatory acts including the refusal to hire or to fire an employee on the basis of sexual orientation and/or gender identity/expression, deny equal compensation, deny the full enjoyment of accommodations, deny the equal right to purchase, lease, or rent housing accommodations, deny, discriminate, harass, retaliate, or otherwise penalize another person on the basis of or pertaining to sexual orientation. The ordinance provides certain exceptions pursuant to federal law. The ordinance establishes procedures for a human relations review board to administer the ordinance and provide for an informal dispute resolution including mediation. However, the ordinance does provide for criminal penalties including a general misdemeanor. The ordinance clarifies that no private right of action is created by the ordinance. The ordinance provides a savings and severability clause.

The effective date of Ordinance No. 1102 is the date of its passage, approval and publication. A copy of the full text of the Ordinance is available at the Office of the City Clerk, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340, and will be provided to any citizen upon personal request during normal office hours pursuant to Idaho Code §50-901A(4).

DATED this 22nd day of January 2013.

CITY OF KETCHUM, IDAHO

Randy Hall, Mayor

ATTEST:

Sandra E. Cady, CMC
Clerk/Treasurer

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1102 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this ____ day of _____, 201__.

Ketchum City Attorney

Stephanie Bonney,

Publish: Idaho Mountain Express

Date: _____



REGULAR KETCHUM CITY COUNCIL MEETING
Monday, January 7, 2013 at 5:30 p.m.
Ketchum City Hall, Ketchum, Idaho

Present: **Mayor Randy Hall**
 Council President Baird Gourlay
 Councilor Nina Jonas
 Councilor Michael David
 Councilor Jim Slanetz

Also Present: **Ketchum City Administrator Gary Marks**
 Ketchum City Attorney Stephanie Bonney
 Ketchum Community and Economic Development Director Lisa Horowitz
 Ketchum Police Chief Steve Harkins
 Recording Secretary Sunny Grant

1. The meeting was called to order by Mayor Hall at 5:31 p.m.

2. Communications from Mayor and Councilors

Councilor Jonas said Sun Valley Marketing Alliance reported occupancy at 33%, which seemed low compared to the activity around town. She asked what progress had been made on Vacation Rentals by Owner (VRBOs). Mayor Hall said a Ketchum clerk was calling homeowners, and getting a good response. Ketchum was also partnering with the Idaho State Tax Commission to figure out how to include VRBO data in local occupancy rates and enforce local option tax collection.

Councilor David said Council wanted to continue to improve communications. He'd like to see more public participation.

3. Communications from the Public

- Annie Corrock said Ketchum Council was hesitant to put the City Manager form of government on the ballot last year due to poorly-written state legislation on changing the form of government. Was Council interested in forming a committee or writing a follow-up letter to the State Legislature?

Councilor Slanetz would like to know more about the issue.

Mayor Hall said the community had clearly voted to keep the present Mayor form of government. City Administrator Gary Marks was competent to act as a city manager. Mayor Hall thought reviving the discussion would be divisive and counterproductive in the community, and use of valuable staff time. There are just a few cities in Idaho that have a City Manager, and one of them might want to return to the Mayor form.

Council President Gourlay said Ketchum's form of government was a hybrid of the City Manager-Mayor-Council forms of government, and benefits from both.

City Attorney Stephanie Bonney said a letter to the Legislature would accomplish nothing. The only way to fix the statutes is to draft a rewrite of the statute, get a sponsor and run it through the Legislature.

Councilor Jonas hesitated to devote any City resources.

4. Communications from the Public: ARCH Open Door Funding Request

Mayor Hall said Ketchum's legal counsel indicated this afternoon that there are questions about Open Door funding.

City Attorney Bonney said legal issues had been raised that Council needed to know before deliberating on the Open Door funding. The only issue on the agenda is Open Door Funding Request.

ARCH Community Housing Trust Executive Director Michelle Griffith suggested Council postpone deliberating on the request for Open Door funding, but consider the other two requests: letter of support and waive impact fees in accordance with City Code. If Council doesn't support the project with a letter of support, there's no need to postpone consideration of the Open Door funding request.

Council President Gourlay suggested Council hear the public comment from many people in the room. Council concurred.

Griffith said the letter of support from Council is fundamental. Council was concerned last August that they were being asked to support two projects that would compete for funding at the state level. ARCH feels that Ketchum is in the fortunate position to have two potential affordable housing projects, and that picking one versus the other only limits opportunities for affordable housing. HUD funds all participating jurisdictions (PJs) in the United States. There are almost 5,500 PJs in the United States, but Idaho only has two: the State of Idaho (Idaho Housing Finance

Association) and the City of Boise. IHFA controls the money and the criteria. Ketchum cannot impact other applications from within Idaho, Blaine County or the City of Ketchum. Griffith urged Ketchum to support every application for housing that it receives.

ARCH is also asking Council to waive impact fees for Evergreen Apartments, according to City Code 15-12-030 Section C to waive impact fees for affordable housing. CED Director Lisa Horowitz said the amount would be fairly small, since it only applied to the new units.

ARCH is requesting \$100,000 of the Open Door funds for the Evergreen project. Open Door program money came from in-lieu fees from developers specifically to develop affordable housing. Open Door money was already granted to ARCH for affordable housing, and there is no request to increase the amount to ARCH. The only difference is that ARCH is requesting use of the funds for rental housing instead of home ownership. The Blaine County Housing Authority and ARCH feel that rentals are more needed than home ownership units at this time. The Open Door program Resolution passed in 2009 allows ARCH to “buy down existing units” and doesn’t specify ownership or rental.

PUBLIC COMMENT:

- Marty Albertson asked how Council feels about supporting the letter of support to IHFA.
A letter of support doesn’t affect IHFA’s point scoring, but the IHFA wants the City to support a project before it spends time evaluating it.
- Clyde Holt, Bird Drive resident immediately across the street from the Evergreen Apartments, opposes the ARCH proposal in its current form, and urged Council to proceed cautiously in reviewing any request for public money for community housing projects at the current time. There is no secure dedicated source of in-lieu funds at the present time due to the ongoing real estate recession. The fund has been drained and future revenue is uncertain. Supporting and endorsing the ARCH project at this time will threaten the viability of Ketchum’s investment of public funds in the Washington Place project, which is in a statewide competition for limited federal tax credits. Holt also expressed concern about Ketchum allocating public funds for development fees waiver of a community housing project until the Court decision of the Hailey-Old Cutters case is reviewed.
- Dennis Hanggi, Bird Drive property owner, said it’s critical to distinguish between a letter of conceptual support for affordable housing, or a letter in support of this project, which is currently being redesigned and may not ever be built. The letter of support should be after the project is approved.
- Mickey Garcia said affordable housing requires a long-term commitment, steadfast common sense and wise legal counsel. He urged Council to exercise due diligence and caution, and to write the letter of support. Young people need to live here and work here on a limited income.
- John Heinrich, Bird Drive resident, said he would love to support the project, but it’s just a concept for now. Heinrich said ARCH’s website said Blaine County had over 200 price-restricted rentals, and the real estate market has kept rentals plentiful and relatively affordable.
- Julie Lynn, West Ketchum resident, has two rental units. She’s lowered rents over the last 10-15 years because they’ve lost renters to government-subsidized rentals. She doesn’t think people should have to compete with the government.
- Blaine County Housing Authority Executive Administrative David Patrie submitted information to Council and the public on its current 107 affordable housing applicants:
 - Income categories 1 and 2 are about 50% of the applicants; the rest are the remaining 50%. Income categories 1 and 2 are more apt to be renters.
 - 30% of applicants are only interested in renting, 26% are only interested in ownership, and the remaining 44% are either/or.
 - 94% of BCHA units are ownership, and 6% are for rental. BCHA was originally set up for home ownership. The economy has changed, incomes are lower, people have foreclosures on their credit history, and the market has changed. BCHA has to adjust and offer more rentals. Open Door funds are for affordable housing, and are not restricted to ownership.

The City always has affordable housing as a priority, and shouldn’t worry about hurting one project by supporting more than one project. On several occasions, small Idaho counties have received tax credits for two projects in the same year. If a project requests more funding than is available, IHFA has automatically awarded the balance of the funding request in the next round. This project has merit as affordable housing, and deserves Ketchum’s support. Open Door funds came from developers and are intended to be used for affordable housing while the market is there. If developers built required housing on-site, there would be no need for in-lieu funds.

Griffith said the project may not make it through P&Z, in which case the tax credit funds from IHFA are not used. ARCH sometimes gives money back to IHFA. The Apartment Housing Overlay that affects Evergreen Apartments also affects Washington Place, so Council shouldn’t withhold support for one project over the other.

Councilor David was ready to write a letter of support for this project, which, like any other project, has to be approved and entitled through P&Z. He wanted to review financial issues before granting fee waivers.

Council President Gourlay said a letter of support was just expressing support for the project. P&Z is an independent body and will make its own decision based on established standards of review. Council President Gourlay didn't expect to object to waiving impact fees.

Councilor Jonas favored a letter of support. It is important that Ketchum stays the course of supporting community housing, and she trusts P&Z to make good decisions on the project. She also supports waiving fees, since Ketchum has in the past waived exorbitant fees for hotel projects.

Councilor Slanetz supported the letter of support, with the understanding there are legitimate concerns that have to be resolved. He said Ketchum needs to support all good projects.

Council President Gourlay moved to that Ketchum Mayor and City Council write a letter of support for the Evergreen project for the use of a tax credit application process with IHFA. Motion seconded by Councilor David, and passed unanimously.

Council is prepared to waive the impact fees when an amount is known.

Council President Gourlay moved to continue the discussion of Evergreen Apartment Open Door funding request and impact fee waiver to Monday, January 14, 2013. Motion seconded by Councilor Slanetz, and passed unanimously.

5. Reggae in the Mountain Sponsorship Request

Ketchum Events Commission Chairman Jen Smith said Reggae in the Mountains is the only outdoor winter festival in the country. Event producer Danny Walton requested Town Square, but the Events Commission felt it was too small and suggested the Simplot lot, although the event will have to pay \$3,600 for restrooms, power, etc. Reggae in the Mountains is scheduled during the Nordic Festival, and will partner with the Blaine County Rec District to integrate the two events.

Walton requests City sponsorship: provide city liability insurance coverage (value estimated at \$650-\$1,000), financial sponsorship and waive the Special Event fee (\$300). The Events Commission (by a vote of six in favor, one opposed and two non-votes) recommends \$3,500 from the Ketchum General Fund Contingency and \$1,500 from the Ketchum Parks and Rec Community Special Events. The Events Commission supports Reggae in the Mountains because they want to build winter events in Ketchum, and Reggae is very affordable. The Commission also wants to help allay venue expenses because the event is on the Simplot lot. The Events Commission appreciates Walton's efforts to promote the area regionally.

The Events Commission imposed conditions on Walton: post-event report on attendance, PR, and additional sponsorships acquired. The Commission member opposed felt that Ketchum had supported Marley in the Mountains for a number of years, and it was time to find other supporters.

Danny Walton reported 800 people attended last year's Marley in the Mountains. Mayor Hall felt the event was too large and loud for Ketchum Town Square, which was designed to be a passive park. The Council discussed the noise ordinance. Mayor Hall said Council had to establish criteria and acceptable events for different locations and parks in Ketchum.

Councilor Slanetz felt Reggae in the Mountains should be self-sustaining. Walton said Reggae was affordable, and he didn't want to raise prices or ask local businesses to contribute to one more thing. There isn't much interest outside the WRV for sponsorship dollars. The last concert donated \$2,000 from beer sales to Idaho Social Learning Center that works with kids with special needs.

Council discussed vending revenue and return on investment for the City of Ketchum's sponsorship. Walton said it was a lot of work and not a huge profit.

Councilor Jonas was comfortable with liability insurance, the fee waiver and funds from Parks and Rec Community Special Events, but not the contribution from City of Ketchum.

Councilor David felt there was a need for more affordable events and winter events. Danny Walton has been committed to providing affordable entertainment to the community for several years. Councilor David wanted to trust the Commission and process; and suggested following the Events Commission's recommendation and fine-tune the process.

Council President Gourlay suggested Ketchum offer to contribute up to a match of the Events Commission's contribution.

Sustain Blaine Executive Director Harry Griffith said he had information on events that would help Council, including how many visitors and what they spend when they're here, how an event progresses from one year to the next, and which events are mostly local vs. those that bring in outsiders.

Council President Gourlay moved to provide the special event fee waiver, provide city liability insurance coverage and financially support Reggae in the Mountains for \$1,500 from Ketchum General Fund and \$1,500 from Ketchum Parks and Rec Special Events budget. Motion seconded by Councilor Slanetz, and passed with three in favor and Councilor David opposed.

6. Communications from the Press

- *Mountain Express* reporter Brennan Rego asked how Ketchum felt about the Sun Valley Marketing Alliance posting hyperlinks for all local businesses vs. Chamber member businesses.

Sun Valley Marketing Alliance Chief Marketing Officer Arlene Schieven will be asking Ketchum the same question at the next Council meeting.

Councilors discussed attracting Chamber members with benefits, including hyperlinks, which would financially support the Marketing Alliance, vs. serving visitors with maximum benefit by making all business information available to them. Councilor David said it was easy enough to just ask your cell phone for local business information.

AGREEMENTS AND CONTRACTS

7. FY2012-13 City of Sun Valley Recreation and Public Parks Access Contract for Services

Ketchum Parks and Recreation Director Jen Smith said Sun Valley citizens enjoy Ketchum Parks and Rec services and programs. The City of Sun Valley has agreed to contribute \$20,000 to an annual Ketchum Parks budget of about \$1 million. The correct amount would be about \$60,000.

The Parks Department can charge individuals participating in the programs different fees, but it would involve a lot of work, and the Parks Department has limited staff. The City of Sun Valley has requested use data, but that would also require staff work that the Department isn't prepared to do.

Mayor Hall said \$20,000 was obviously not fair, but the Parks contract is part of a bigger conversation about the whole relationship of Ketchum and Sun Valley.

Council President Gourlay moved to approve the FY2012-13 City of Sun Valley Recreation and Public Parks Access Contract for Services for \$20,000. Motion seconded by Councilor David, and passed unanimously.

8. FY2012-13 Consolidated Emergency Communications Services Agreement

Ketchum Fire Chief Mike Elle said Emergency Communications provided dispatch for several Ketchum departments. The FY2012-13 contract is \$159,417, \$7,000 less than last year's amount, and considerably less than when Ketchum had its own dispatch.

Council President Gourlay moved to approve the FY2012-13 Consolidated Emergency Communications Services Agreement in the amount of \$159,417. Motion seconded by Councilor Jonas, and passed unanimously.

9. FY2012-13 Emergency Medical Services Agreement

Ketchum Fire Chief Mike Elle said this is an annual contract for the Blaine County Ambulance District to provide paramedic-level EMS service for northern Blaine County. This contract now has Ketchum lease three ambulances and defibrillator monitors from the County to make insurance coverage easier. The contract amount is \$946,709, a 3% increase over last year. The Ambulance District is trying to be sustainable with a new fee schedule that increases annually to continue to cover expenses.

The contract also clarifies interfacility transfer language and taking people home from the hospital.

Councilor Jonas moved to approve the FY2012-13 Emergency Medical Services Agreement in the amount of \$946,709. Motion seconded by Council President Gourlay, and passed unanimously.

10. Comprehensive Plan Contract for Services

CED Director Lisa Horowitz said staff is making great progress on the comprehensive plan, with excellent help from Clarion Associates. This is expected to be the final contract with Clarion.

Council President Gourlay moved to approve the Comprehensive Plan Contract with Clarion Associates for an amount not to exceed \$45,000 for 2013. Motion seconded by Councilor David, and passed unanimously.

11. FY2012-13 Sustain Blaine Contract for Services

This is the annual Contract for Services with Sustain Blaine. Sustain Blaine is a great regional organization, and a huge value.

Sustain Blaine Executive Director Harry Griffith said Sustain Blaine has begun forming a baseline for events in Blaine County, to include 2012 events and new events. The events data includes number of participants and

economic impact per participant for each event. The data also includes breakdown of visitors and second homeowners.

Councilors thanked Griffith for making Sustain Blaine such a huge return on investment.

Sustain Blaine conducted visitor and local user trails surveys in partnership with the Blaine County Rec District, Bike Coalition, SNRA, Forest Service, etc. Infrared counters were placed in more than 40 locations on trails from Galena Summit to Croy, and people stationed randomly at trailheads collected demographic information on users. Tens of thousands of data points on trail usage proved that the number of trail user days is larger than skier days; and will result in data on the economic impact of cyclists, hikers, equestrians, etc.

Sustain Blaine's 2013 Action Plan includes carryover projects including commercial air service; the Sun Valley Culinary Institute including sustainable local food; and the Nordic Olympic Training Site, including discussions with Boise State University about a human performance library. Sustain Blaine continues to compile stats for the city profiles, and plans an annual economic summit next year. The Sustain Blaine Board has challenged staff to develop some innovative efforts toward entrepreneurial endeavors.

Meanwhile, Sustain Blaine wants to find out what local businesses and businesses considering relocating, consider critical issues. Sustain Blaine wants to continue to analyze economic impacts, work to improve local infrastructure, and use polling devices to find out what people really think. Sustain Blaine is looking for ways to cooperate and collaborate more with other local economic development teams, and see if there is a way they can all work together.

Last year's attempt at an energy project never came to fruition because Idaho Power and the Public Utilities Commission were at odds about how renewable community energy might work.

Sustain Blaine's 2013 budget is about \$125,000, which limits the number of projects. Combining local economic development efforts could be more efficient and more powerful. Councilors agreed that the scattered non-governmental organizations (NGOs) weren't as impactful as a centralized organization could be.

Council President Gourlay moved to approve the FY2012-13 Sustain Blaine Contract for Services in the amount of \$10,000. Motion seconded by Councilor Jonas, and passed unanimously.

12. FY2012-13 Wagon Days Contract for Services

Also Present: Sun Valley Events directors Heather Lamonica Deckard and Ellen Gillespie

Heather Lamonica Deckard said they'd been asked to consider some new ideas. Having a storefront this past year worked great to meet people and sell merchandise. Sun Valley Events prepares a Wagon Days budget and presents it to the city during the budget process. According to Sustain Blaine, Wagon Days brings in about 17,500 people, with an economic impact of almost \$5 million.

Council President Gourlay moved to approve the contract for services with Sun Valley Events, Inc., in an amount not to exceed \$25,000. Motion seconded by Councilor David, and passed unanimously.

ORDINANCES AND RESOLUTIONS

13. Ordinance 1102: An ordinance of the City of Ketchum, Idaho, enacting a new section to the Ketchum Municipal Code Title 9.24, to prohibit discriminatory acts in housing, employment and public accommodations based upon sexual orientation and gender identity/expression, establishing a purpose and policy declaration; establishing definitions, enumerating prohibited discriminatory acts; providing exceptions; establishing a Human Rights Board; providing due process including mediation, investigation, and hearing; providing a penalty provision; clarifying that this ordinance does not create a private right of action; providing a savings and severability clause, approving a summary of the ordinance and providing an effective date. Second reading.

Councilor Jonas said Council received an email from the ACLU saying investigations would not be shielded from public disclosure under the Public Records Act, which may deter people from making complaints; and that Human Rights Board may not have adequate investigative tools or subpoena power that the police have. City Attorney Bonney will research this.

City Attorney Bonney said the HRB provided for mediation to work out some resolution, instead of an immediate police criminal citation procedure.

PUBLIC COMMENT:

- Mickey Garcia said the City had treated the Firefighters Union pretty shabbily, and asked the City Attorney to explain some language in the ordinance, and if the Mayor could perform same-sex marriages. City Attorney Bonney explained that federal law granted individuals a private right of action on a discriminatory issue which they can bring under federal court. An individual cannot use this ordinance to bring a civil lawsuit. Bonney said same-sex marriages were not legal in the State of Idaho or under the Federal Defense of Marriage Act. The Human Rights Board is three or more persons appointed by the Mayor, and confirmed by Council.

Councilor Jonas moved for the second reading of Ordinance 1102, pursuant to Idaho Code 50-902, enacting a new section to the Ketchum Municipal Code Title 9.24, entitled Discrimination Prohibited, and scheduling a third reading for January 22, 2013. Motion seconded by Councilor David. Motion passed unanimously.

14. Resolution 12-001: Amending the Cafeteria Plan documents

Ketchum City Administrator Gary Marks said the Affordable Healthcare Act requires Ketchum to conform to lower limits.

Councilor Slanetz moved to pass Resolution 12-001 amending the Cafeteria Plan documents. Motion seconded by Councilor Jonas, and passed unanimously.

15. CONSENT CALENDAR

a. Approval of minutes from the December 3, 2013 Council meeting

b. Recommendation to approve current bills and payroll summary

Councilors asked about bills for damaged art, water right and holiday lighting. Staff will check into these and report back.

Council President Gourlay moved to approve the January 7, 2013 Consent Calendar, seconded by Councilor Jonas. Motion passed unanimously.

16. EXECUTIVE SESSION

Council President Baird Gourlay moved to go into Executive Session to discuss personnel, litigation and land acquisition, pursuant to Idaho Code §§67-2345 1(a), (b), (c) and (f) at 8:47p.m., seconded by Councilor Michael David. Roll call: Council President Baird Gourlay yes, Councilor Michael David yes, Councilor Nina Jonas yes, Councilor Jim Slanetz yes. Motion passed unanimously.

17. ADJOURNMENT

Council President Gourlay moved to adjourn at 10:00 p.m. Councilor David seconded the motion, and it passed unanimously.

Randy Hall
Mayor

ATTEST:

Sandra E. Cady, CMC
City Clerk

Report Criteria:

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

[Report].GL Account Number = "0110000000"- "9449008022", "9910000000"- "9911810000"

Vendor Name	Invoice Number	Description	Net Invoice Amount
GENERAL FUND			
01-2171-2000 P/R TAXES PBL--STATE W/H			
STATE TAX COMMISSION	PR0111131	State Withholding Tax Pay Period: 1/11/2013	6,372.00
01-2171-4000 P/R TAXES PBL -- WORKERS COMP			
STATE INSURANCE FUND	6830449	Workmen's Comp	10,302.00
01-2171-9000 P/R DEDUC PBL--HEALTH INSURANC			
III-A	010113	February Health Care	87,435.98
III-A	PR0111131	Health Ins - Family Pay Period: 1/11/2013	315.66
III-A	PR0111131	Health Ins - Employee + Spouse Pay Period: 1/11/2013	286.92
III-A	PR0111131	Health Ins - Family Pay Period: 1/11/2013	420.88
III-A	PR0111131	Health Ins - Employee + 1 Chld Pay Period: 1/11/2013	53.40
III-A	PR0111131	Health Ins - Employee + 2 Chld Pay Period: 1/11/2013	145.18
III-A	PR0111131	Health Ins - Family Pay Period: 1/11/2013	105.22
01-2172-1000 P/R DEDUC PBL--AFLAC INSURANCE			
AFLAC	PR0111131	AFLAC After-Tax Pay Period: 1/11/2013	155.73
AFLAC	PR0111131	AFLAC Pre-Tax Pay Period: 1/11/2013	717.79
01-2172-3000 P/R DEDUC PBL--DELTA DENTAL			
DELTA DENTAL PLAN OF IDAH	PR0111131	Dental Insurance - 1 Child Pay Period: 1/11/2013	69.28
DELTA DENTAL PLAN OF IDAH	PR0111131	Dental Insurance - Spouse Pay Period: 1/11/2013	185.70
DELTA DENTAL PLAN OF IDAH	PR0111131	Dental Insurance - Family Pay Period: 1/11/2013	739.52
DELTA DENTAL PLAN OF IDAH	PR0111131	Dental Insurance - 2+ Child Pay Period: 1/11/2013	183.42
01-2173-3000 P/R DEDUC PBL--PEBSCO			
NATIONWIDE RETIREMENT SOL	PR0111131	Nationwide - 0026904-001 Pay Period: 1/11/2013	682.44
01-2174-0000 P/R DEDUC PBL--GARNISHMENTS			
CHILD SUPPORT SERVICES	PR0111131	Child Support Pay Period: 1/11/2013	269.68
01-2175-0000 P/R DEDUC PBL--PIONEER FED.CR.			
PIONEER FEDERAL CREDIT UNI	PR0111131	Pioneer Federal Credit Union Pay Period: 1/11/2013	2,721.00
01-2175-8000 P/R DEDUC PBL--EMPLOYEE CAF-MD			
NBS-NATIONAL BENEFIT SERVI	PR0111131	125 Medical Savings Pay Period: 1/11/2013	1,610.88
01-2175-9000 P/R DEDUC PBL--EMPLOYEE CAF-DC			
NBS-NATIONAL BENEFIT SERVI	PR0111131	125 Dependant Care Pay Period: 1/11/2013	1,080.77
Total :			113,853.45
LEGISLATIVE & EXECUTIVE			
01-4110-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	1,238.63
01-4110-3100 OFFICE SUPPLIES & POSTAGE			
UNIFIED OFFICE SERVICES	153954	Nameplates	33.90
01-4110-3200 OPERATING SUPPLIES			
COPY CENTER	315	CC Retreat	325.00
COPY CENTER	315	Pocket Brochures	144.00
JOHNNY G'S SUBSHACK, LLC	32150	Meeting Lunches	69.76
01-4110-4200 PROFESSIONAL SERVICES			
US BANK	12/26/12	Google Adwords	16.81

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4110-4910 MYR/CNCL-TRAINING/TRAVEL/MTG			
HALL, RANDY	01/08/13	Travel Expenses	169.28
JONAS, NINA	010913	Travel Expenses	186.48
US BANK	12/26/12	Travel & Meeting Expenses - Randy Hall	333.22
01-4110-5100 TELEPHONE & COMMUNICATIONS			
VERIZON WIRELESS, BELLEVUE	1146114247	ACCT. 365459737-00001	40.03
01-4110-7400 OFFICE FURNITURE & EQUIPMENT			
UNIFIED OFFICE SERVICES	153272	Furniture for Conf. Room P&Z	639.60
Total LEGISLATIVE & EXECUTIVE:			3,196.71
ADMINISTRATIVE SERVICES			
01-4150-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	1,104.49
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA Vision - 10/01/12-12/31/12	228.29
01-4150-3100 OFFICE SUPPLIES & POSTAGE			
GREAT AMERICA LEASING COR	13099872	Copy Machine Lease	52.96
INTEGRATED TECHNOLOGIES	54749B	Copier Maintenance	18.64
UNIFIED OFFICE SERVICES	153706	Office Supplies	39.99
01-4150-4200 PROFESSIONAL SERVICES			
AIR ST. LUKE'S	013113	2013 Membership - Employees	2,030.00
KETCHUM COMPUTERS, INC.	9155	Computer Maintenance	225.00
RED SKY PUBLIC RELATIONS	9675	Public Affairs Services	3,170.50
01-4150-4400 ADVERTISING & LEGAL PUBLICATIO			
EXPRESS PUBLISHING, INC.	2196-12/12	Acct. 2196	161.00
01-4150-4900 PERSONNEL TRAINING/TRAVEL/MTG			
BENNETT, PATRICIA	011413	Travel Expenses - 01/22/13	75.48
01-4150-4902 TRAINNG/TRVLM/MTG-CITY ADM/ASST			
ENOURATO, LISA	010913	Travel Expenses	200.10
US BANK	12/26/12	Travel Expenses - Gary Marks	368.40
SIAHU	011413	Healthcare Reform Luncheon - Gary Marks	15.00
01-4150-5100 TELEPHONE & COMMUNICATIONS			
SENTINEL FIRE & SECURITY, IN	164825	Quarterly Monitoring Fee	81.00
VERIZON WIRELESS, BELLEVUE	1146114247	ACCT. 365459737-00001	62.02
01-4150-5200 UTILITIES			
City of Ketchum	1127-12/12	Acct. 1127	28.47
City of Ketchum	9997-12/12	Acct. 9997	631.89
CLEAR CREEK DISPOSAL	695667	ACCT. 951449	60.00
INTERMOUNTAIN GAS	102495000014-	ACCT. 10249500-001-4	998.23
01-4150-5900 REPAIR & MAINTENANCE-BUILDINGS			
KEARNEY PAINTING, JOHN	697883	Upstairs Offices	3,880.00
PIPECO, INC.	117823	Supplies	86.33
SYSCO	301100258	Coffee	111.25
TIMS ELECTRIC	20831	Rewire Lighting in Meeting Room	555.70
WAXIE SANITARY SUPPLY	73689476	Supplies	299.77

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4150-7400 OFFICE FURNITURE & EQUIPMENT			
UNIFIED OFFICE SERVICES	153272	Furniture for Conf. Room P&Z	137.09
01-4150-7402 OFFICE FURN/EQUI-CITY ADM/ASST			
UNIFIED OFFICE SERVICES	153224	Office Supplies	164.95
UNIFIED OFFICE SERVICES	153272	Furniture for Conf. Room P&Z	594.65
UNIFIED OFFICE SERVICES	4478CM	Office Supplies	110.90-
Total ADMINISTRATIVE SERVICES:			15,270.30
LEGAL			
01-4160-4200 PROFESSIONAL SERVICES			
MOORE SMITH BUXTON & TUR	43859	1536-03 - General	10,542.20
MOORE SMITH BUXTON & TUR	43863	1536-39 - RPP Application	6,423.89
MOORE SMITH BUXTON & TUR	43864	1536-42 Local 4758 v. Ketchum	3,906.65
MOORE SMITH BUXTON & TUR	43865	1536-44 BLM - Blue Canyon Land Exchange	21.22
01-4160-4270 CITY PROSECUTOR			
ALLINGTON, ESQ., FREDERICK	120175	Monthly Prosecutor Payment	3,660.17
Total LEGAL:			24,554.13
COMMUNITY PLANNING/DEVELOPMENT			
01-4170-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	5,506.35
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA Vision - 10/01/12-12/31/12	155.00
01-4170-3100 OFFICE SUPPLIES & POSTAGE			
GREAT AMERICA LEASING COR	13099872	Copy Machine Lease	105.90
INTEGRATED TECHNOLOGIES	54749B	Copier Maintenance	37.28
US BANK	12/26/12	Office Table	53.99
01-4170-3160 OFFICE SUPPLIES/POSTAGE-HOTEL			
GREAT AMERICA LEASING COR	13099872	Copy Machine Lease	105.90
INTEGRATED TECHNOLOGIES	54749B	Copier Maintenance	37.28
US BANK	12/26/12	Office Supplies	67.69
01-4170-4200 PROFESSIONAL SERVICES			
BENCHMARK ASSOCIATES	1212-02	Engineering Review	86.25
DOROTHY'S SECRETARIAL SER	122812-P&Z	Front Desk Coverage	44.00
GALENA ENGINEERING, INC.	1318.151-01/13	Miscellaneous Plat Checks	460.00
KETCHUM COMPUTERS, INC.	9023	Computer Maintenance	50.00
KETCHUM COMPUTERS, INC.	9155	Computer Maintenance	100.00
01-4170-4267 PROFESSIONAL SVC-COMP PLAN			
PERRY'S	113012	Comp Plan Workshop	275.06
01-4170-4400 ADVERTISING & LEGAL PUBLICATIO			
EXPRESS PUBLISHING, INC.	2196-12/12	Acct. 2196	186.84
01-4170-4800 DUES, SUBSCRIPTIONS & MEMBERSH			
US BANK	12/26/12	APA Membership	25.00
01-4170-4960 TRAINING/TRAVEL/MTG-HOTEL			
US BANK	12/26/12	Meeting Expenses	8.40

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4170-7400 OFFICE FURNITURE & EQUIPMENT			
UNIFIED OFFICE SERVICES	153272	Furniture for Conf. Room P&Z	548.32
Total COMMUNITY PLANNING/DEVELOPMENT:			7,853.26
CONTINGENCY			
01-4193-9930 GENERAL FUND OP. CONTINGENCY			
DANNY WHALTON	010813	Raggae in the Mountains	1,500.00
Total CONTINGENCY:			1,500.00
POLICE			
01-4210-4200 PROFESSIONAL SERVICES			
IDAHO STATE POLICE	122612	Fingerprint Processing	35.00
01-4210-4250 PROF.SERVICES-BCSO CONTRACT			
BLAINE COUNTY CLERK/RECOR	200941	BCSO Law Enforcement Services	105,604.17
Total POLICE:			105,639.17
BUILDING			
01-4240-3200 OPERATING SUPPLIES			
GREAT AMERICA LEASING COR	13099872	Copy Machine Lease	52.96
INTEGRATED TECHNOLOGIES	54749B	Copier Maintenance	18.65
01-4240-4200 PROFESSIONAL SERVICES			
DOROTHY'S SECRETARIAL SER	122812-P&Z	Front Desk Coverage	22.00
01-4240-7400 OFFICE FURNITURE & EQUIPMENT			
UNIFIED OFFICE SERVICES	153272	Furniture for Conf. Room P&Z	137.09
Total BUILDING:			230.70
Total GENERAL FUND:			272,097.72
WAGON DAYS FUND			
WAGON DAYS EXPENDITURES			
02-4530-4200 PROFESSIONAL SERVICES			
SUN VALLEY EVENTS	395	Wagon Days Services	1,030.00
Total WAGON DAYS EXPENDITURES:			1,030.00
Total WAGON DAYS FUND:			1,030.00
STREET MAINTENANCE FUND			
STREET			
04-4310-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	2,178.70
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA Vision - 10/01/12-12/31/12	58.40
04-4310-2800 STATE UNEMPLOYMENT INSURANCE			
IDAHO DEPARTMENT OF LABO	01/07/13	Unemployment	1,585.16

Vendor Name	Invoice Number	Description	Net Invoice Amount
04-4310-3200 OPERATING SUPPLIES			
KNEADERY	123112	Breakfast for Street Department	523.15
RIVER RUN AUTO PARTS	6538-54652	Parts & Supplies	35.96
TREASURE VALLEY COFFEE IN	2160:03063503	COFFEE	187.75
US BANK	12/26/12	Safety Wear - Street Department	575.70
04-4310-3400 MINOR EQUIPMENT			
A.C. HOUSTON LUMBER CO.	14-163644	Supplies	68.98
US BANK	12/26/12	Tool Box & Tools	670.46
04-4310-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	720968	ACCT. 37269	9,100.15
04-4310-4200 PROFESSIONAL SERVICES			
ANDERSON ASPHALT PAVING	4335	Snow Hauling	1,125.00
ERWIN EXCAVATION, S	12-656	Snow Hauling	4,575.00
ERWIN EXCAVATION, S	12-672	Snow Hauling	225.00
HIATT TRUCKING, INC.	1583	SNOW HAULING	2,212.50
KATCO EXCAVATION INC.	273189	Snow Hauling	4,125.00
WESTERN STATES EQUIPMENT	MR000510490	Rental Equipment	5,702.00
04-4310-5100 TELEPHONE & COMMUNICATIONS			
VERIZON WIRELESS, BELLEVUE	1146114247	ACCT. 365459737-00001	90.75
04-4310-5200 UTILITIES			
City of Ketchum	9993-12/12	Acct. 9993	170.76
City of Ketchum	9999-12/12	Acct. 9999	116.15
INTERMOUNTAIN GAS	119369000011-	ACCT. 11936900-001-1	65.99-
04-4310-6100 REPAIR & MAINT--MACHINERY & EQ			
BROOKS WELDING	8962	Mini Sander	30.00
EASY PACK INC	166305	Shipping	22.34
FASTENAL COMPANY	IDJER38913	Parts	88.65
GO-FER-IT	1756543	Shipping Services	61.00
H & E EQUIPMENT SERVICES, IN	91012350	Parts & Supplies	5,898.94
IDAHO TRANSPORTATION DEPT	9320250	Exempt Plat Renewals	23.00
KODIAK NORTHWEST	8705	Parts & Supplies	1,773.39
METROQUIP, INC.	17625	Supplies	175.60
NAPA AUTO PARTS	718793	Supplies	25.00
NAPA AUTO PARTS	719102	Supplies	64.31
NAPA AUTO PARTS	719173	Supplies	28.80-
NAPA AUTO PARTS	719403	Supplies	58.12
NAPA AUTO PARTS	719439	Supplies	8.13
RIVER RUN AUTO PARTS	6538-54608	Parts & Supplies	18.24
RIVER RUN AUTO PARTS	6538-54609	Parts & Supplies	17.79
SNAKE RIVER HYDRAULICS	216462	Parts & Repairs	346.22
US BANK	12/26/12	Exhaust Fan	240.44
WESTERN STATES EQUIPMENT	PC040191674	Parts	263.77
04-4310-6910 OTHER PURCHASED SERVICES			
AMERIPRIDE LINEN	2400195319	ACCT. 241076800	64.18
AMERIPRIDE LINEN	2400197048	ACCT. 241076800	30.99
KETCHUM COMPUTERS, INC.	9005	Computer Maintenance	445.00
KETCHUM COMPUTERS, INC.	9134	Computer Maintenance	170.00
NORCO	10813751	ACCT. 53271	210.18
SENTINEL FIRE & SECURITY, IN	164826	Quarterly Monitoring Fee	81.00
SENTINEL FIRE & SECURITY, IN	165032	Quarterly Monitoring Fee	81.00

Vendor Name	Invoice Number	Description	Net Invoice Amount
04-4310-6920 SIGNS & SIGNALIZATION			
SAFETY SUPPLY & SIGN CO.	135787-A	Cones	2,139.00
04-4310-6950 MAINTENANCE & IMPROVEMENTS			
ANDERSON ASPHALT PAVING	4334	Asphalt	154.00
SHERWIN-WILLIAMS CO.	3174-9	Supplies	40.36
SHERWIN-WILLIAMS CO.	3259-8	Supplies	10.09
Total STREET:			45,772.52
Total STREET MAINTENANCE FUND:			45,772.52
FIRE & RESCUE FUND			
FIRE & RESCUE			
10-4230-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	390.14
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA Vision - 10/01/12-12/31/12	54.00
10-4230-2800 STATE UNEMPLOYMENT INSURANCE			
IDAHO DEPARTMENT OF LABO	01/07/13	Unemployment	74.70
10-4230-2900 PERFORMANCE AWARDS			
US BANK	12/26/12	Volunteer Performance Awards	1,275.00
10-4230-3200 OPERATING SUPPLIES			
ATKINSONS' MARKET	1841-11/12	ACCT. 1841	30.41
CHATEAU DRUG CENTER	944017	Supplies	7.60
CHATEAU DRUG CENTER	945450	Supplies	6.17
CHATEAU DRUG CENTER	948561	Supplies	1.62
CHATEAU DRUG CENTER	948561	Supplies	.02-
DAVIS EMBROIDERY	20331	Embroider Services	7.00
DOROTHY'S SECRETARIAL SER	122812-P&Z	Front Desk Coverage	11.00
FIRE SAFETY EDUCATION	25063	Supplies	490.00
GREAT AMERICA LEASING COR	13099872	Copy Machine Lease	26.49
INTEGRATED TECHNOLOGIES	54749B	Copier Maintenance	9.33
L.N. CURTIS & SONS	3129639-00	Supplies	30.57
RIVER RUN AUTO PARTS	123112	Parts & Supplies	2.42
UNIFIED OFFICE SERVICES	153272	Furniture for Conf. Room P&Z	68.55
10-4230-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	720966	ACCT. 37267	368.19
10-4230-4200 PROFESSIONAL SERVICES			
EXPRESS PUBLISHING, INC.	2196-12/12	Acct. 2196	353.34
10-4230-4900 PERSONNEL TRAINING/TRAVEL/MTG			
IDAHO STATE FIRE MARSHALL	011013	Recertification for Fire Inspectors	50.00
NATIONAL FIRE PROTECTION A	5693935	Membership Renewal	165.00
US BANK	12/26/12	Training	12.48
US BANK	12/26/12	Meeting Expenses	12.61
10-4230-5100 TELEPHONE & COMMUNICATIONS			
US BANK	12/26/12	Radio Expenses	6.09
VERIZON WIRELESS, BELLEVUE	1146124072	ACCT. 765494480-00001	58.00

Vendor Name	Invoice Number	Description	Net Invoice Amount
10-4230-5900 REPAIR & MAINTENANCE-BUILDINGS			
SENTINEL FIRE & SECURITY, IN	164523	Service Call	114.00
10-4230-6000 REPAIR & MAINT--AUTOMOTOVE EQU			
RIVER RUN AUTO PARTS	6538-54155	Parts & Supplies	17.90
RIVER RUN AUTO PARTS	6538-54184	Parts & Supplies	66.75
10-4230-6100 REPAIR & MAINT--MACHINERY & EQ			
US BANK	12/26/12	Antenna Repairs	35.50
10-4230-6910 OTHER PURCHASED SERVICES			
KETCHUM COMPUTERS, INC.	9008	Computer Maintenance	202.37
KETCHUM COMPUTERS, INC.	9156	Computer Maintenance	87.50
MTE COMMUNICATIONS	56983-1/13	DSL Line	22.94
Total FIRE & RESCUE:			4,057.65
Total FIRE & RESCUE FUND:			4,057.65
AMBULANCE SERVICE FUND			
AMBULANCE SERVICE			
14-4260-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	585.22
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA Vision - 10/01/12-12/31/12	81.00
14-4260-2800 STATE UNEMPLOYMENT INSURANCE			
IDAHO DEPARTMENT OF LABO	01/07/13	Unemployment	74.71
14-4260-2900 PERFORMANCE AWARDS			
US BANK	12/26/12	Volunteer Performance Awards	1,275.00
14-4260-3200 OPERATING SUPPLIES			
ATKINSONS' MARKET	1841-11/12	ACCT. 1841	30.41
CHATEAU DRUG CENTER	944017	Supplies	7.59
CHATEAU DRUG CENTER	945450	Supplies	6.17
CHATEAU DRUG CENTER	948561	Supplies	1.62
DAVIS EMBROIDERY	20331	Embroider Services	7.00
DOROTHY'S SECRETARIAL SER	122812-P&Z	Front Desk Coverage	11.00
GREAT AMERICA LEASING COR	13099872	Copy Machine Lease	26.48
INTEGRATED TECHNOLOGIES	54749B	Copier Maintenance	9.32
L.N. CURTIS & SONS	3129639-00	Supplies	30.56
MOORE MEDICAL CORPORATIO	82001912	Supplies	434.54
MOORE MEDICAL CORPORATIO	82012946	Supplies	244.10
NORTH AMERICAN RESCUE	116110	Supplies	378.64
PRAXAIR/WHITMORE	44868942	Supplies	39.75
PROGRESSIVE MEDICAL INTER	387506	Supplies	163.75
PROGRESSIVE MEDICAL INTER	387641	Supplies	104.31
RIVER RUN AUTO PARTS	123112	Parts & Supplies	2.41
SENTINEL FIRE & SECURITY, IN	IW188	acct. 342	294.47
UNIFIED OFFICE SERVICES	153272	Furniture for Conf. Room P&Z	68.55
14-4260-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	720966	ACCT. 37267	148.27
14-4260-4200 PROFESSIONAL SERVICES			
EXPRESS PUBLISHING, INC.	2196-12/12	Acct. 2196	353.34

Vendor Name	Invoice Number	Description	Net Invoice Amount
14-4260-4900 PERSONNEL TRAINING/TRAVEL/MTG			
US BANK	12/26/12	Training	12.47
US BANK	12/26/12	Meeting Expenses	12.61
14-4260-5100 TELEPHONE & COMMUNICATIONS			
US BANK	12/26/12	Radio Expenses	6.09
VERIZON WIRELESS, BELLEVUE	1146124072	ACCT. 765494480-00001	79.92
14-4260-5900 REPAIR & MAINTENANCE-BUILDINGS			
SENTINEL FIRE & SECURITY, IN	164523	Service Call	114.00
14-4260-6000 REPAIR & MAINT--AUTOMOTIVE EQU			
RIVER RUN AUTO PARTS	6538-54184	Parts & Supplies	139.70
14-4260-6100 REPAIR & MAINT--MACHINERY & EQ			
US BANK	12/26/12	Antenna Repairs	35.50
14-4260-6910 OTHER PURCHASED SERVICES			
KETCHUM COMPUTERS, INC.	9008	Computer Maintenance	202.37
KETCHUM COMPUTERS, INC.	9156	Computer Maintenance	87.50
MTE COMMUNICATIONS	56983-1/13	DSL Line	22.94
Total AMBULANCE SERVICE:			5,091.31
Total AMBULANCE SERVICE FUND:			5,091.31
PARKS AND RECREATION FUND			
PARKS AND RECREATION			
18-4510-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	1,024.06
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA Vision - 10/01/12-12/31/12	256.75
18-4510-3100 OFFICE SUPPLIES & POSTAGE			
BUSINESS AS USUAL	110458	Office Supplies	21.15
18-4510-3200 OPERATING SUPPLIES			
CHATEAU DRUG CENTER	860602	Supplies	2.50
CHATEAU DRUG CENTER	911068	Supplies	2.50
CHATEAU DRUG CENTER	949391	Supplies	29.58
18-4510-3250 RECREATION SUPPLIES			
WEBB LANDSCAPING	8999	Bird Seed	7.20
WEBB LANDSCAPING	9000	Bird Seed	2.99
18-4510-3300 RESALE ITEMS-CONCESSION SUPPLY			
ATKINSONS' MARKET	1861-12/12	ACCT. 1861	201.25
18-4510-3500 MOTOR FUELS & LUBRICANTS			
LUTZ RENTALS	22726	Propane	15.60
LUTZ RENTALS	22769	Propane	18.45
LUTZ RENTALS	22829	Propane	18.00
LUTZ RENTALS	22878	Propane	29.20
18-4510-4200 PROFESSIONAL SERVICES			
BIG WOOD LANDSCAPE, INC.	28718	Snow Removal	1,044.00
BIG WOOD LANDSCAPE, INC.	28719	Snow Removal	389.25

Vendor Name	Invoice Number	Description	Net Invoice Amount
BIG WOOD LANDSCAPE, INC.	28720	Snow Removal	421.50
BIG WOOD LANDSCAPE, INC.	28721	Snow Removal	420.00
BIG WOOD LANDSCAPE, INC.	28723	Snow Removal	400.50
BIG WOOD LANDSCAPE, INC.	28724	Snow Removal	357.00
BIG WOOD LANDSCAPE, INC.	28725	Snow Removal	496.50
BIG WOOD LANDSCAPE, INC.	28726	Snow Removal	643.50
BIG WOOD LANDSCAPE, INC.	28727	Snow Removal	400.50
EXPRESS PUBLISHING, INC.	2196-12/12	Acct. 2196	186.84
SAWTOOTH PLUMBING	9377	Repair Main Line	382.50
18-4510-4220 PROF.SERV-CITY BEAUTIFICATION			
BIG WOOD LANDSCAPE, INC.	28666	Snow Removal	254.94
BIG WOOD LANDSCAPE, INC.	28669	Holiday Lighting	237.00
18-4510-4410 ADVERTISING & PUBLICATIONS			
US BANK	12/26/12	Hockey Posters	41.80
18-4510-5100 TELEPHONE & COMMUNICATIONS			
VERIZON WIRELESS, BELLEVUE	1146114247	ACCT. 365459737-00001	72.61
ARMS, SHARON	01/14/2013	Cell Phone Reimbursement Oct - Dec. 2012	150.00
18-4510-5200 UTILITIES			
City of Ketchum	1245-12/12	Acct. 1245	67.68
City of Ketchum	456-12/12	Acct. 456	157.91
City of Ketchum	532-12/12	Acct. 532	362.39
City of Ketchum	536-12/12	Acct. 536	307.05
City of Ketchum	560	Acct. 560	49.99
City of Ketchum	9991-12/12	Acct. 9991	158.71
City of Ketchum	9995-12/12	Acct. 9995	996.65
City of Ketchum	9996-12/12	Acct. 9996	96.92
CLEAR CREEK DISPOSAL	6698410	ACCT. 56339	20.39
INTERMOUNTAIN GAS	102495000014-	ACCT. 10249500-001-4	37.28
INTERMOUNTAIN GAS	115345000018-	ACCT. 11534500-001-8	160.48
INTERMOUNTAIN GAS	807350253157-	ACCT. 80735025-315-7	191.03
18-4510-6510 COMMUNITY SPECIAL EVENTS			
DANNY WHALTON	010813	Raggae in the Mountains	1,500.00
18-4510-6950 MAINTENANCE & IMPROVEMENTS			
A.C. HOUSTON LUMBER CO.	14-163713	Supplies	18.09
A.C. HOUSTON LUMBER CO.	14-164520	Supplies	29.93
SAWTOOTH PLUMBING	9377	Repair Main Line	9.44
Total PARKS AND RECREATION:			11,691.61
Total PARKS AND RECREATION FUND:			11,691.61
LOCAL OPTION SALES TAX FUND			
LOCAL OPTION SALES TAX			
22-4910-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	682.90
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA Vision - 10/01/12-12/31/12	84.54
22-4910-6040 COMMUNITY MARKETING CONTRACT			
SUN VALLEY MARKETING ALLI	11	4th Quarterly Payment	112,500.00

Vendor Name	Invoice Number	Description	Net Invoice Amount
22-4910-6080 MOUNTAIN RIDES MOUNTAIN RIDES	745	Monthly Payment	43,550.83
22-4910-6500 CDC FUNDING KETCHUM COMMUNITY DEVEL	27	Monthly Contract Payment	9,700.00
Total LOCAL OPTION SALES TAX :			166,518.27
Total LOCAL OPTION SALES TAX FUND:			166,518.27
WATER FUND			
WATER EXPENDITURES			
63-4340-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	1,619.89
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA Vision - 10/01/12-12/31/12	44.05
63-4340-3120 DATA PROCESSING -- ADMIN			
BILLING DOCUMENT SPECIALIS	79580	Statement Processing for Utility Billing	478.46
63-4340-3200 OPERATING SUPPLIES			
AMERIPRIDE LINEN	2400194674	ACCT. 241076900	110.98
AMERIPRIDE LINEN	2400194675	ACCT. 241076901	17.57
AMERIPRIDE LINEN	2400198108	ACCT. 241076900	110.98
AMERIPRIDE LINEN	2400198109	ACCT. 241076901	17.58
ATKINSONS' MARKET	1856-12/12	ACCT. 1856	43.73
CHATEAU DRUG CENTER	948561	Supplies	1.62
CHATEAU DRUG CENTER	950056	Supplies	13.29
GO-FER-IT	1606000	Shipping Services	13.00
PIPECO, INC.	118130	Supplies	14.19
PIPECO, INC.	118186	Supplies	115.00
UNIFIED OFFICE SERVICES	153363	Office Supplies	28.10
UNIFIED OFFICE SERVICES	153934	Office Supplies	57.82
63-4340-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	720970	ACCT. 37271	415.98
63-4340-4200 PROFESSIONAL SERVICES			
DEPARTMENT OF WATER RESO	37-4414-01/13	Rental Fee for Permit 37-4414	2,258.90
DIG LINE	45403	Locates	31.91
MAGIC VALLEY LABS, INC.	41656	Testing	66.00
UPPR WOOD RIVERS WATER ME	010113	Wlls & CFS Pro Rata	1,026.48
US BANK	12/26/12	Public Works Advertising	765.00
63-4340-4900 PERSONNEL TRAINING/TRAVEL/MTG			
BACKFLOW ASSEMBLY TESTIN	011413	Training Pat Cooley	165.00
COOLEY, PAT	011113	Travel Expenses - 02/19/13	30.00
63-4340-5100 TELEPHONE & COMMUNICATIONS			
KETCHUM COMPUTERS, INC.	9006	Computer Maintenance	340.25
SENTINEL FIRE & SECURITY, IN	164692	Quarterly Monitoring Fee	69.75
VERIZON WIRELESS, BELLEVUE	1146114411	ACCT. 365516521-00001	139.43
WHITE CLOUD COMMUNICATIO	70928	Radio	60.00
63-4340-5110 COMPUTER NETWORK			
KETCHUM COMPUTERS, INC.	8933	Computer Maintenance	506.92

Vendor Name	Invoice Number	Description	Net Invoice Amount
63-4340-5200 UTILITIES			
IDAHO POWER	3230225839-12	ACCT. 3230225839	210.47
IDAHO POWER	3568602365-12	ACCT. 3568602365	22.51
IDAHO POWER	3783680562-12	ACCT. 3783680562	4,527.58
63-4340-6000 REPAIR & MAINT-AUTO EQUIP			
RIVER RUN AUTO PARTS	6538-54332	Parts & Supplies	17.95
63-4340-6100 REPAIR & MAINT-MACH & EQUIP			
BILL'S FENCING	122812	Fence Repairs	622.25
PIPECO, INC.	107239	Supplies	94.99
PIPECO, INC.	118180	Supplies	20.95
63-4340-7500 AUTOMOTIVE EQUIPMENT			
CAR DOCTOR	3778	Repairs	633.32
RIVER RUN AUTO PARTS	65368-54618	Parts & Supplies	2.99
RIVER RUN AUTO PARTS	6538-54600	Parts & Supplies	26.75
RIVER RUN AUTO PARTS	6538-54615	Parts & Supplies	22.95
RIVER RUN AUTO PARTS	6538-54653	Parts & Supplies	14.95
Total WATER EXPENDITURES:			14,779.54
Total WATER FUND:			14,779.54
WATER CAPITAL IMPROVEMENT FUND			
WATER CIP EXPENDITURES			
64-4340-7650 WATER METERS			
FERGUSON ENTERPRISES, INC.	571189	Meter Supplies	289.40
64-4340-7651 WA METERS TO FLAT RATE CUSTMRS			
FERGUSON ENTERPRISES, INC.	564262	Meter Supplies	636.59
FERGUSON ENTERPRISES, INC.	565255	Meter Supplies	805.20
FERGUSON ENTERPRISES, INC.	CMO45770	Meter Supplies	805.20-
64-4340-7653 WATER METER REPLACEMENT			
FERGUSON ENTERPRISES, INC.	CMO45645	Meter Supplies	163.92-
64-4340-7800 CONSTRUCTION			
LUNCEFORD EXCAVATION, INC.	4623	Excavation	2,224.74
LUTZ RENTALS	22799	Rental Equipment	140.94
WEYYAKIN RANCH	010413	McCoy Ditch Maintenance	3,865.65
Total WATER CIP EXPENDITURES:			6,993.40
Total WATER CAPITAL IMPROVEMENT FUND:			6,993.40
WASTEWATER FUND			
WASTEWATER EXPENDITURES			
65-4350-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA 10/01/12-12/31/12	8,730.57
NBS-NATIONAL BENEFIT SERVI	12/31/12	HRA Vision - 10/01/12-12/31/12	681.17
65-4350-3100 OFFICE SUPPLIES & POSTAGE			
GO-FER-IT	1724921	Shipping Services	13.00
GO-FER-IT	1731530	Shipping Services	21.00
GO-FER-IT	699863	Shipping Services	21.00

Vendor Name	Invoice Number	Description	Net Invoice Amount
65-4350-3120 DATA PROCESSING -- ADMIN			
BILLING DOCUMENT SPECIALIS	79580	Statement Processing for Utility Billing	717.68
65-4350-3200 OPERATING SUPPLIES			
AMERIPRIDE LINEN	2400194675	ACCT. 241076901	17.58
AMERIPRIDE LINEN	2400194676	ACCT. 241021000	136.86
AMERIPRIDE LINEN	2400198109	ACCT. 241076901	17.57
AMERIPRIDE LINEN	2400198110	ACCT. 241021000	185.01
ATKINSONS' MARKET	1856-12/12	ACCT. 1856	43.73
CHATEAU DRUG CENTER	948561	Supplies	1.62
NORTH CENTRAL LABORATORI	314809	Supplies	623.24
PIPECO, INC.	118179	Supplies	8.46
UNIFIED OFFICE SERVICES	153363	Office Supplies	28.09
65-4350-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	368512	ACCT. 37270	115.29
UNITED OIL	720969	ACCT. 37270	135.28
65-4350-4200 PROFESSIONAL SERVICES			
ANALYTICAL LABORATORIES, I	27325	Testing	542.50
DIG LINE	45403	Locates	31.91
MAGIC VALLEY LABS, INC.	41729	Testing	26.00
US BANK	12/26/12	Public Works Advertising	765.00
65-4350-4900 PERSONNEL TRAINING/TRAVEL/MTG			
DAIGH, DAN	011113	Travel Expenes 0 02/20/13	30.00
65-4350-5100 TELEPHONE & COMMUNICATIONS			
KETCHUM COMPUTERS, INC.	9006	Computer Maintenance	140.25
SENTINEL FIRE & SECURITY, IN	164692	Quarterly Monitoring Fee	23.25
WHITE CLOUD COMMUNICATIO	70928	Radio	60.00
65-4350-5110 COMPUTER NETWORK			
KETCHUM COMPUTERS, INC.	8933	Computer Maintenance	140.25
65-4350-5200 UTILITIES			
CLEAR CREEK DISPOSAL	693707	ACCT. 4565	79.00
IDAHO POWER	3568602365-12	ACCT. 3568602365	22.51
65-4350-6100 REPAIR & MAINT-MACH & EQUIP			
BILL'S FENCING	122812	Fence Repairs	622.25
INDUSTRIAL ELECTRIC MOTOR	28893	Parts	224.87
INDUSTRIAL ELECTRIC MOTOR	28923	Parts	224.87-
OVERHEAD DOOR COMPANY	249479	Door Repair	135.00
PACIFIC EQUIPMENT, INC.	7295	Supplies	153.30
PIPECO, INC.	118164	Supplies	4.90
PLATT	3036276	Supplies	28.68
PLATT	3041075	Supplies	18.17-
PLATT	3058990	Supplies	5.11
65-4350-6900 COLLECTION SYSTEM SERVICES/CHA			
AMERIPRIDE LINEN	2400194676	ACCT. 241021000	24.15
AMERIPRIDE LINEN	2400198110	ACCT. 241021000	32.64
KETCHUM COMPUTERS, INC.	8933	Computer Maintenance	49.50
KETCHUM COMPUTERS, INC.	9006	Computer Maintenance	49.50
TREASURE VALLEY COFFEE IN	2160:03055471	COFFEE	66.70
UNITED OIL	720969	ACCT. 37270	119.92

Vendor Name	Invoice Number	Description	Net Invoice Amount
WHITE CLOUD COMMUNICATIO	70928	Radio	24.00
65-4350-7600 OTHER MACH & EQUIP			
BOLEN'S CONTROL HOUSE, INC.	S1207979.001	Scada Computer	671.00
Total WASTEWATER EXPENDITURES:			15,326.30
Total WASTEWATER FUND:			15,326.30
WASTEWATER CAPITAL IMPROVE FND			
WASTEWATER CIP EXPENDITURES			
67-4350-7801 REUSE PUMP STATION			
LLOYD CONSTRUCTION INC.	122812	Recycled Water Project - Reuse Pump Station Building	53,061.96
WEYYAKIN RANCH	010413	Re-Use Water Project	382.44
67-4350-7802 REUSE ENGINEERING			
EXPRESS PUBLISHING, INC.	2196-12/12	Acct. 2196	179.40
FORSGREN ASSOCIATES, INC.	212313	WW Reuse	1,542.35
FORSGREN ASSOCIATES, INC.	212315	WW Reuse	9,355.00
Total WASTEWATER CIP EXPENDITURES:			64,521.15
Total WASTEWATER CAPITAL IMPROVE FND:			64,521.15
PARKS/REC DEV TRUST FUND			
PARKS/REC TRUST EXPENDITURES			
93-4900-6500 ICE RINK-PRIVATE			
US BANK	12/26/12	Ice Rink Mats & Skateguards	1,300.24
Total PARKS/REC TRUST EXPENDITURES:			1,300.24
Total PARKS/REC DEV TRUST FUND:			1,300.24
Grand Totals:			609,179.71

Report Criteria:

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

[Report].GL Account Number = "0110000000"- "9449008022", "9910000000"- "9911810000"

<u>Company</u>	<u>Beer</u>	<u>Beer Not to</u>	<u>Wine</u>	<u>Wine Not</u>	<u>Liquor</u>	<u>Approved by Council</u>
	<u>Consumed</u>	<u>be</u>	<u>Consumed</u>	<u>to be</u>		
	<u>on</u>	<u>on</u>	<u>on</u>	<u>on</u>		
	<u>Premises</u>	<u>Premises</u>	<u>Premises</u>	<u>Premises</u>		
Video West		X	X			7/16/2012
La Parrilla	X		X			7/16/2012
A Taste of Thai Sun Valley	X		X			7/16/2012
Sayvour	X		X			7/16/2012
Rickshaw	X		X			7/16/2012
China Panda Restaurant	X		X			7/16/2012
Bigwood Grill	X				X	7/16/2012
Apples	X		X			7/16/2012
La Cabanita Mex	X		X			7/16/2012
Casino Club	X				X	7/16/2012
Thai Cuisine	X	X	X			7/16/2012
Cava Cava	X		X			7/16/2012
Johnny G's	X					7/16/2012
Clarion Inn	X		X			8/6/2012
Il Naso Restaurant	X		X			8/6/2012
The Red Door	X		X			8/6/2012
Headwaters		X		X		8/20/2012
Grill at Knob Hill Inn	X				X	11/5/2012
Mama Inez	X					11/5/2012
Cava Cava				X		11/5/2012
Enoteca	X		X	X		11/19/2012
The Rustic Moose	X		X	X		11/19/2012
Nourish Me		X		X		11/19/2012
The Local Dish	X		X			11/19/2012
Vintage Restaurant	X		X			1/22/2013

BEER, WINE AND LIQUOR-BY-THE DRINK LICENSE APPLICATION

To the City Council, Ketchum, Idaho

Year Applying for ^{Jan} August 1, 2012 - July 31, 2013

The undersigned a Corporation __, Partnership __, Individual __, does hereby make application for a license to sell during the year 2012-2013, the following:

1.	BEER LICENSE	Fee	
	<input checked="" type="checkbox"/> Draft or Bottled or Canned Beer, to be consumed on premises	\$	200.00 116.69
	<input type="checkbox"/> Bottled or Canned Beer, NOT to be consumed on premises	\$	50.00
2.	WINE LICENSE		
	<input checked="" type="checkbox"/> Wine, to be consumed on premises:	\$	200.00 116.69
	<input type="checkbox"/> Wine, NOT to be consumed on premises:	\$	200.00
3.	LIQUOR LICENSE		
	<input type="checkbox"/> Liquor by the drink	\$	560.00
		Total Due:	\$ 233.38

STATE LICENSE NO. _____ COUNTY LICENSE NO. _____ (copies attached)

Within the City of Ketchum, Idaho, at the place of business described below, and tenders herewith the license fee as provided by law. The following is a true and correct statement of the nature, place, ownership and management of the business for which this application is made and of the qualifications of the applicant;

Name of Applicant Humberto Herrera / Phoenix Restaurant
D/B/A Vintage Restaurant
Mailing Address P O BOX 3188 Hailey ID 83333
Phone Number 208-720-8827

Physical Address of business where license will be displayed 230 1/2 Leadville Ave.

Record owner of the property Mc. Cann Daech. Fenton.

Has the applicant, or any partner of his, or any member of the applying partnership, or the active manager of the applying partnership, or any officer of the applying corporation been convicted of a violation of any law of the State of Idaho, or any other state, or of the United States regulating, governing, or prohibiting the sale of alcoholic beverages or intoxicating liquor, or has any one of them within three years forfeited, or suffered the forfeiture of, a bond for his appearance to answer charges of any such violation? NO

Has the applicant or any partner or actual active manager or officer of the applicant been convicted of any felony within five years? Yes ___ No ___

If Applicant Is A Partnership or Corporation:

Is the corporation authorized to do business in Idaho? NO (If a corporation, attach list of names and addresses)

If a partnership, give the names and addresses of all partners: none

The undersigned hereby acknowledges and consents that the license(s) requested are subject to the provisions of the Ketchum Municipal Code, Title 5.04 (amended by Ordinance 882), City of Ketchum, Idaho, Blaine County.

Applicant owner Relation to Business Humberto Herrera

Subscribed and sworn to before me this 09 day of January, 2013

Kathleen Schwabbenberger
Notary Public or City Clerk or Deputy

License Fee Received \$ 233.38 KS

License No. 248 A

Approved by City of Ketchum, ID _____

By _____ Mayor

1-22-13