



**AMENDED - AGENDA
Special Meeting
July 23, 2021 at 9:00 AM
Legion Hall – Below City Hall
216 East Park Street
McCall, ID
AND MS TEAMS Virtual**

ANNOUNCEMENT:

Due to McCall's commitment to stay healthy in response to the COVID-19 Emergency and ensuring that the City's Business continues, this will be both an in person and virtual meeting. The Legion Hall's 6-foot social distancing Occupancy Capacity is **15**. The Council Members and staff who are anticipated to be in attendance is **8**. The first **7** persons who appear will be allowed to be present in the meeting location. **Social distancing will be enforced.** All other persons may be in attendance virtually. Any member of the public can join and listen only to the meeting at 5:30 p.m. by calling in as follows: **Dial 208-634-8900 when asked for the Conference ID enter: 827 785 686#**
Or you may watch live by clicking this link: <https://youtu.be/eFV948IBWb8>

WORK SESSION

New Employee Introductions/Presentation

McCall Fire District Impact Fee Study presentation – Garrett de Jong (added 7/21/21)

Text my Gov App Presentation

AB 21-192 Request for Council to Adopt Ordinance 1003 Regarding Prohibiting the Feeding of Wildlife (ACTION ITEM)

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, please contact City Hall at 634-7142 at least 48 hours prior to the meeting.

**McCALL CITY COUNCIL
AGENDA BILL**

216 East Park Street
McCall, Idaho 83638

Number AB 21-192

Meeting Date July 22, 2021, Updated for July 23, 2021

AGENDA ITEM INFORMATION

SUBJECT: <i>Request for Council to Adopt Ordinance 1003 Regarding Prohibiting the Feeding of Wildlife</i>		<i>Department Approvals</i>	<i>Initials</i>	<i>Originator or Supporter</i>
		Mayor / Council		
		City Manager	ABS	
		Clerk	AW	Supporter
		Treasurer		
		Community Development		
		Police Department		Originator
		Public Works		
		Golf Course		
		Parks and Recreation		
COST IMPACT:	N/A	Airport		
FUNDING SOURCE:	N/A	Library		
TIMELINE:	N/A	Information Systems		
		Grant Coordinator		

SUMMARY STATEMENT:
 During the July 8, 2021 Council Meeting staff presented the McCall City Council with an ordinance prohibiting wildlife feeding inside city limits. The five councilors had two decisions to make that evening, one vote to suspend the rules, referring to the actual reading of the ordinance, and the other considering its adoption. Although the Council voted 3-2 to pass the Wildlife feeding ordinance, the ordinance was not adopted due to a procedural error regarding the suspension of the rules.

Idaho code 50-902 states that to pass an ordinance, the ordinance must be read three times at three different meetings, with the first two readings by Title and the third reading in full. The same code allows for the suspension of reading three times, to read by title only one time only, which requires four affirmative votes (1/2 plus one of the entire Council) for the motion to pass. The vote was an affirmative 3-2 for the suspension of the rules. Therefore, the motion should have failed, but the City Council proceeded with a single reading and vote to adopt. Since the first motion failed, the second vote to adopt the ordinance was void. Although there was a reading by Title only, the process will start over as the reading was not in the context of three readings.

The process will be restarted on July 22, to correct the error, with three readings at three different meetings. However, at each meeting, the Council could choose to vote for a suspension of the rules. If the motion fails on July 22, then there will be again a vote to suspend the rules on July 23, if the motion fails then there will be a second reading of the title and no additional motion to adopt.

- RECOMMENDED ACTION:**
1. Suspend the rules and read by title only, one time only Ordinance no. 1003.
 2. Adopt Ordinance No. 1003. regarding prohibiting the feeding of wildlife, approve the publication of the summary, and authorize the Mayor to sign all necessary documents.

RECORD OF COUNCIL ACTION

MEETING DATE	ACTION
May 27, 2021	Council directed staff to continue with preparation of a proposed Ordinance prohibiting the feeding of wildlife
June 10, 2021	Council reviewed possible Ordinance language
June 24, 2021	Additional review and discussion and direction to staff to bring finalized Ordinance for adoption
July 8, 2021	Council Adopted the Ordinance – with a procedural error

ORDINANCE NO. 1003

AN ORDINANCE OF THE CITY OF McCALL, VALLEY COUNTY, IDAHO, AMENDING TITLE 5, *PUBLIC SAFETY*, CHAPTER 7, *ANIMAL CONTROL*, OF THE McCALL CITY CODE, TO-WIT: AMENDING SECTION 5.7.010, *DEFINITIONS*, TO ADD THE FOLLOWING DEFINITIONS: *ATTRACTING/ATTRACTANT, BIRDS, EDIBLE MATERIAL, FEEDING/FEED, HABITUATED, PUBLIC EMPLOYEE, SQUIRRELS, WATERFOWL, WILD TURKEY, WILDLIFE* AND AMEND THE DEFINITION FOR *IMPOUNDED*; ENACTING SECTION 5.7.400, *FEEDING/ATTRACTING WILDLIFE PROHIBITION*, TO PROHIBIT THE FEEDING OR ATTRACTING OF WILDLIFE WITHIN THE McCALL CITY LIMITS AND PROVIDE PENALTIES FOR VIOLATION.

WHEREAS, the intentional feeding of wildlife can cause animals to congregate in areas hazardous to public safety, such as sidewalks and roadways; and

WHEREAS, the intentional feeding of wildlife can attract an increased number of predators to urban areas, resulting in conflict with humans and domestic animals.

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

Section 1: That Section 5.7.010, *Definitions*, of the McCall City Code is hereby AMENDED as follows, to-wit:

See Exhibit "A" attached hereto and, by this reference, incorporated herein as if set forth in full.

Section 2: That there is hereby ENACTED Section 5.7.400, *Feeding/Attracting Wildlife Prohibition*, to Chapter 7, *Animal Control*, Title 5, *Public Safety*, of the McCall City Code, to-wit:

See Exhibit "B" attached hereto and, by this reference, incorporated herein as if set forth in full.

PASSED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF McCALL, IDAHO, THIS __ DAY OF _____ 2021.

Approved:

By _____
Robert S. Giles, Mayor

Attest:

By _____
BessieJo Wagner, City Clerk

EXHIBIT "A"

5.7.010: DEFINITIONS:

As used in this chapter, each of the terms defined has the meaning given in this section unless a different meaning is clearly required by the context. The word "shall" is mandatory, not directory.

ABUSE: Any case in which an animal has been the victim of intentional or negligent conduct resulting in the animal's bruising, bleeding, malnutrition, dehydration, burns, fractures or breaks of any bones, subdural hematoma, soft tissue swelling, prolonged exposure to the weather elements to the detriment of the animal's health, or death.

ANIMAL: Any organism, other than human being, needing food to maintain and sustain its life and which generally has mobility and a developed central nervous system.

AT LARGE: Off the premises of the owner and not under the control of the owner or person having control or custody either by leash, cord or chain.

ATTRACTING/ATTRACTANT: Any substance, including but not limited to food, garbage, or salt/mineral/protein lick, which draws wildlife (except those birds and squirrels as identified in this Chapter).

BIRDS: Any non-domesticated species belonging to the Order Aves other than Waterfowl and Wild Turkeys.

BITTEN: Seized, pierced, or cut with the teeth or with the jaws, other than when done by a canine puppy less than four (4) months old, in play; and "seized" in this regard means with sufficient force to scratch or bruise, or to pierce, cut or tear clothing.

DEPARTMENT: The McCall police department.

DOG: Either a male or a female member of the biological family Canidae, including *Canis familiaris*, and including also any other member of that family at any time owned, possessed or harbored, whether neutered or spayed.

DOMESTIC ANIMAL: An animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.

EDIBLE MATERIAL: Any human or animal food, food bi-product, salt/mineral/protein lick, organic material, refuse, or garbage.

ENCLOSURE: A fence or structure of at least six feet (6') in height, forming or causing containment suitable to prevent the unauthorized entry of a person and suitable to confine an animal in conjunction with other measures which may be taken by the owner, such as tethering of the animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping.

FEEDING/FEED: A substance composed of grain, mineral, protein, salt, fruit, vegetable, hay, or any other food material or combination of these edible materials, whether natural or manufactured, tended, deposited, or distributed in an area frequented and consumed by wildlife (except those birds and squirrels as identified in this Chapter).

FIERCE OR DANGEROUS DOG: A dog (other than a dog belonging to a law enforcement agency and acting pursuant to direction of its law enforcement handler) as described below:

(A) Fierce: Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation; for purposes of this definition, it is not justification that the human being when bitten was interfering with the dog's attack upon another human being or animal, or has menaced a human being which human being was not on the property of the dog's owner;

(B) Dangerous Dog: A dog, which was previously declared a "threatening dog" and has displayed repeated violations of potentially dangerous behaviors including, but not limited to, a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animal without provocation.

Notwithstanding the definition of "fierce or dangerous dog" herein, no dog may be declared fierce or dangerous if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. No dog may be declared fierce or dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified battery or assault.

HABITUATED: Any wildlife relatively accustomed to eating, resting, birthing, defecating, and otherwise living within city limits - outside of their normally wild habitat. Habituated wildlife may actually cease exhibiting some typical behaviors for that species (e.g. resident deer which do not migrate, mountain lions which den under human structures like porches, etc.).

IMPOUNDED: Taken into the custody of the department's ~~city pound~~ animal shelter.

MENACE: The threat of harm, confinement or personal injury of a human by an animal.

MISUSE: The intentional causing of an animal to perform a noncustomary task, which could be dangerous or harmful to the animal.

NUISANCE DOG: A dog which barks or creates noise in an excessive, continuous or untimely manner, molests passersby, chases vehicles, habitually attacks other domestic animals, or trespasses upon public or private property in such a manner as to damage the property.

OWNER: Any person owning, possessing, harboring, caring for or having any custodial duties over any dog in his or her control within the city. "Own" means owning, possessing, harboring, caring for, or having in his or her custodial control.

PRIVATE PROPERTY OPEN TO ENFORCEMENT: Includes private property open to the public; condominium or planned unit development (PUD) common area; condominium limited

common area which is not reserved for the use of the owner; the common use areas of a mobile home park, or travel trailer court or park; and any other premises with respect to which a person with a right of possession superior to the owner's has invited the department to attend to a matter involving an owner's dog.

PUBLIC EMPLOYEE: Any State or City Employee or certified Peace Officer appointed to carry out and enforce each entity's respective laws and/or ordinances.

RESIDENT: An individual who has their primary residence within the McCall city limits.

SQUIRRELS: Any of the commonly found squirrel species (native or non-native) within McCall City limits which are typically associated with native habitats or urban landscapes. E.g., Red Squirrel, Eastern Fox Squirrel, Eastern Gray Squirrel, Chipmunks etc.

THREATENING DOG: A dog, while at large found to menace, chase, display aggressive behavior, or require defensive action by any person to prevent or discourage bodily injury; any dog which unprovoked, has killed, inflicted injury or otherwise caused injury by attacking another domestic animal off the property of the owner or keeper of the dog or upon streets, sidewalks or public grounds. Growling or barking or both together are not grounds upon which a dog can be found to be threatening.

WATERFOWL: Any wild or habituated migratory bird species of the taxonomic Order Anseriformes, Family Anatidae (ducks, geese, swans).

WILD TURKEY: Those species or subspecies of turkey as identified in the *Upland Game, Furbearer, and Turkey Seasons and Rules* published by the Idaho Department of Fish and Game.

WILDLIFE: Any species of non-domesticated animals as defined in Idaho Code 36-202(g), including, but not limited to: deer, moose, elk, pronghorn, black bear, mountain lion, wolf, coyote, fox, raccoon, skunk, wild turkey, waterfowl, etc. Provided, however, that birds (other than Wild Turkeys and Waterfowl) and squirrels are not considered wildlife under this Chapter.

EXHIBIT “B”

5.7.400 FEEDING/ATTRACTING WILDLIFE PROHIBITION

- A. It is unlawful for any person to intentionally and knowingly feed or attract wildlife (including habituated wildlife) except birds and squirrels, by placing, depositing, distributing, storing, or scattering food, edible material, garbage, or other attractants, with the intent to lure, attract, entice, or feed wildlife on public or private land within the City of McCall.
- B. Exceptions: This ordinance does not apply to:
1. Public employees or their authorized agents acting pursuant to State of Idaho wildlife management plans or acting within the scope of their authority for wildlife management purposes, or carrying out authorized emergency winter feeding operations, or otherwise carrying out authorized baiting, feeding, or trapping activities in accordance with government authorized wildlife management practices.
 2. Any authorized facilities/individuals acting pursuant to State of Idaho and City of McCall permits and licenses responsible or charged with the care of wildlife (i.e. rehabilitation facilities, or authorized and licensed wildlife rehabilitators).
 3. Edible material located in a residence, closed vehicle, fully enclosed storage structure, or in an enclosed trash container, where the owner or person in charge has taken reasonable measures to restrict access by wildlife. Full compliance with McCall City Code 5.8.050 shall constitute prima facie evidence that reasonable measures have been taken.
 4. A person feeding their own domestic animals as allowed by city ordinances, provided that such food is not left in the open for wildlife to access.
 5. Seeds, nectar, and other material to attract birds (other than wild turkey and waterfowl) or squirrels in a feeder placed in such a manner as to make it inaccessible to other wildlife. Feeders shall not be placed in locations in which snow accumulation makes it possible for other wildlife to reach the feeder during the winter months.
 6. Compost piles that are fully contained and/or made inaccessible to wildlife.
 7. Persons who are engaged in a lawful trapping activity allowing edible bait with all appropriate licenses and/or permits from Idaho Department of Fish and Game and according to both State of Idaho and City of McCall rules and regulations for such trapping activity; and activities that include lawful recreational trapping of wildlife and lawful trapping of nuisance wildlife by both the public and authorized agents of the State of Idaho, the City of McCall, and the U.S. Department of Agriculture Wildlife Services.
 8. Persons engaged in lawful fishing activities as authorized by the Idaho Department of Fish and Game.
 9. Ornamental plants, vegetable gardens, fruit-bearing trees, flower gardens, lawn, naturally growing vegetation (both native and non-native species), native vegetation species intentionally cultivated, and the part of those plants or trees and the fruit/berries that fall to the ground from them.

- C. Enforcement: A City of McCall Animal Control or Code Enforcement officer, a McCall Police Officer, or any other State of Idaho certified Peace Officer may investigate and issue a warning or citation for a violation of this ordinance.

- D. Penalties: Any person found violating this section shall be guilty of an infraction and fined one hundred dollars (\$100.00); provided further, that any person who violates this section for a second or subsequent offense within twelve (12) months after a prior violation of this section shall be subject to the general penalty found in section 1.3.1 of this Code.

**A SUMMARY OF ORDINANCE NO. 1003
PASSED BY THE CITY OF McCALL, IDAHO**

AN ORDINANCE OF THE CITY OF McCALL, VALLEY COUNTY, IDAHO, AMENDING TITLE 5, *PUBLIC SAFETY*, CHAPTER 7, *ANIMAL CONTROL*, OF THE McCALL CITY CODE, TO-WIT: AMENDING SECTION 5.7.010, *DEFINITIONS*, TO ADD THE FOLLOWING DEFINITIONS: *ATTRACTING/ATTRACTANT, BIRDS, EDIBLE MATERIAL, FEEDING/FEED, HABITUATED, PUBLIC EMPLOYEE, SQUIRRELS, WATERFOWL, WILD TURKEY, WILDLIFE* AND AMEND THE DEFINITION FOR *IMPOUNDED*; ENACTING SECTION 5.7.400, *FEEDING/ATTRACTING WILDLIFE PROHIBITION*, TO PROHIBIT THE FEEDING OR ATTRACTING OF WILDLIFE WITHIN THE McCALL CITY LIMITS AND PROVIDE PENALTIES FOR VIOLATION.

The principal provisions of the Ordinance:

- Section 5.7.010 adds definitions for *Attracting/Attractant, Birds, Edible Material, Feeding/Feed, Habituated, Public Employee, Squirrels, Waterfowl, Wild Turkey*, and *Wildlife* and amends the definition for *Impounded*;
- Section 5.7.400 prohibits the intentional and knowing feeding or attracting of wildlife within the City of McCall;

The ordinance allows for certain exceptions such as public employees and wildlife management officials acting within the scope of their authority for wildlife management purposes, authorized facilities/individuals acting pursuant to State of Idaho and City of McCall permits and licenses responsible or charged with the care of wildlife, seeds, nectar, and other material to attract birds (other than wild turkeys and waterfowl) or squirrels in a feeder placed in such a manner as to make it inaccessible to other wildlife, compost piles that are fully contained and/or made inaccessible to wildlife, persons who are engaged in lawful trapping or fishing activities, ornamental plants, vegetable or flower gardens and trees, lawn, naturally growing vegetation, and the part of those plants or trees that fall to the ground from them;

provides for the enforcement of the ordinance as an infraction with a penalty of a fine of \$100, but another violation within one year is a misdemeanor.

The Ordinance shall take effect upon its passage, approval, and publication according to law.

The full text of the Ordinance is available for review at City Hall and will be provided by the City Clerk to any citizen upon personal request, or can be viewed on the City website at www.mccall.id.us.

APPROVED BY THE COUNCIL OF THE CITY OF McCall, IDAHO, THIS ____ DAY OF _____, 2021.

Approved:

By _____
Robert Giles, Mayor

ATTEST:

By _____
BessieJo Wagner, City Clerk

July 21, 2021

Hello McCall City Council,

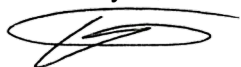
My name is Garrett de Jong, and I am fortunate to be the fire chief of the McCall Fire District. I was born and raised in McCall, graduated from McCall-Donnelly High School, and worked in Fire and EMS for twenty-two years, seventeen in McCall. I graduated in 2001 from a two-year fire suppression program at Chemeketa Community College in Salem, OR, where I served as an intern firefighter/ EMT at the Woodburn Fire District. I was hired as the first career firefighter/ EMT in Donnelly in 2002. I got hired in McCall in 2004 when we worked days and did not staff the firehouse 24 hours per day. I received a bachelor's degree in Fire Administration in 2014 and am currently over halfway finished with a master's degree in organizational leadership. I currently serve as the District 4 director on the board of the Idaho fire chiefs association representing Ada, Boise, Elmore, and Valley Counties, and also on the Idaho state propane safety board, representing the fire service. I am also the proud husband to my high school sweetheart, Tawny, and we have four gregarious children.

In 2020, Valley County finished an EMS delivery study. I am happy to furnish you with the whole two hundred-plus page report if you are interested. But, to sum it up, McCall is growing and is expected to continue growing. The study concluded that McCall should be staffing an additional ambulance during our peak demand months, June – August, and December – January (if we have powder) – (Figure 160, page 2). The additional unit would decrease the probability of ambulance wait time and would follow national standards (Figure 161). Due to the demographic of people moving and buying homes here, the study indicated that McCall would see a likely increase in EMS service demand of 80% over the next ten years (Figure 157). At our current financial level, we are estimated to start running a deficit by 2025 (Figure 46).

The fire district has hired Galena Consulting to start an impact fee study for the fire district, simultaneous to a study that Valley County is doing with the same firm. We intend to look at funding streams that can assist in growing our service level, equal to demand, without further burdening our taxpayers. The first step in doing the study, per the Idaho statute, is to form an impact fee advisory committee for the city to look at the different options that impact fees can provide and the constraints. Our second intent is to keep our growth plan reasonable and cost-effective. We do not want to slow down growth, development, or housing but want to keep that growth from further burdening our already taxed service, particularly during our busy seasons.

I am looking forward to explaining what we would like to do, the next steps, and answer any questions you may have.

Thank you,



Garrett de Jong
Fire Chief, McCall Fire Protection District

Figure 160: Proposed Staffing Configurations & Apparatus Assignments by Station

Fire Station	Engines	Medics	Aerials	Tenders	Wildland	Daily Staffing ^B
Station 1	1	2 ^A	1	0	0	6
Station 2	1	1	0	1	1	4
Station 3	1	1	1	1	1	4
Station 4	0	0	0	1	1	Volunteers
Station 5	1	0	0	0	1	Volunteers

^AOne Medic Unit staffed as a peak-demand unit 12 hours daily.

^BRepresents minimum staffing for 24 hours daily, with the exception of one 12-hour crew at Station 1.

Figure 161: Current & Proposed Response Units by Fire District (2019)

District	— CURRENT —		CURRENT — PROBABILITY —		— PROPOSED —		PROPOSED — PROBABILITY —	
	Units Per Day	Units Per Night	Day Wait	Night Wait	Day Units	Night Units	Day Wait	Night Wait
CRFPD	1	1	10%	4%	1	1	10%	4%
DRFPD	1	1	6%	3%	1	1	6%	3%
MFPD	1	1	25%	10%	2	1	3%	10%
Totals:	3	3			4	3		

Note: Percentages rounded to the nearest interval.

Figure 157: EMS Service Demand Projections by Fire District (2020–2030)

Fire District	% Change
Cascade RFPD	+ 53%
Donnelly RFPD	+ 42%
McCall FPD	+ 80%

Figure 46: MFPD Projected Financials

Description	2020	2021	2022	2023	2024	2025
Beginning GF Balance	1,652,129	1,781,160	1,928,273	2,092,721	2,273,703	2,470,371
Recurring Revenue Sources						
Taxes	1,665,064	1,741,054	1,817,044	1,893,034	1,969,024	2,045,014
Intergov't. Revenue	—	—	—	—	—	—
Charges for Services	1,078,907	1,172,179	1,265,451	1,358,723	1,451,995	1,545,267
Debt/Capital Sales	—	—	—	—	—	—
Miscellaneous/Other	64,000	64,000	64,000	64,000	64,000	64,000
Total Revenue:	\$2,807,971	\$2,977,233	\$3,146,495	\$3,315,758	\$3,485,020	\$3,654,282
Expenses						
Salaries & Wages	1,615,717	1,708,134	1,800,551	1,892,968	1,985,385	2,077,802
Benefits/Taxes	529,702	574,442	619,183	663,923	708,664	753,405
Operations & Maint.	231,330	235,956	240,676	245,489	250,399	255,407
Equipment	134,206	143,601	153,653	164,409	175,917	188,231
Capital/Debt	167,987	167,987	167,987	167,987	167,987	167,987
Total Expenses:	\$2,678,941	\$2,830,120	\$2,982,048	\$3,134,775	\$3,288,351	\$3,442,831
Net:	129,030	147,114	164,447	180,982	196,668	211,451
Ending Balance:	1,781,160	1,928,273	2,092,721	2,273,703	2,470,371	2,681,822



June 26, 2021

City Manager Anette Spickard, Mayor Giles, and Members of the McCall City Council,

Your community is projected to grow in the years ahead. With this growth comes increased calls for fire and emergency medical services. In order to maintain current response times in service to the protection of life and property, the McCall Fire Protection District will need to plan for additional facilities, apparatus and equipment. We believe that you would agree the cost of capital items necessitated by growth should be funded by growth, and not by your existing taxpayers.

State statute allows fire and EMS districts to fund these costs with impact fees, which are a one-time charge on new development for their proportional share of the cost of growth-necessitated capital improvements. The McCall Fire Protection District retained Galena Consulting to develop 10-year capital improvement plans and calculate impact fees for future growth. Galena Consulting has developed impact fees throughout Idaho over the past twenty years in compliance with the process set forth in the Idaho Development Impact Fee Act.

Unlike cities and counties, fire districts do not have ordinance authority and do not issue building permits. Therefore, statute requires these districts to execute an Intergovernmental Agreement with the cities and counties they serve to collect the impact fees on their behalf. Fire Districts around the state, including those in Ada, Bonner, Canyon, Gem and Kootenai Counties have executed these agreements with the cities they serve in a way that creates little administrative burden for city staff. Districts also pay a small fee per impact fee collected to the city to compensate for the cost of any staff time. Should these impact fee studies show this is an appropriate way to fund these growth-related costs, the district will be asking the city of McCall to support this effort by collecting impact fees at building permit on the district's behalf.

At this point, however, we are asking McCall to establish a development impact fee advisory committee (DIFAC). As required by statute, these committees are comprised of at least 5 members, representing the interests of both development and taxpayers. This committee reviews the consultant's findings, provides feedback, and ultimately provides an advisory recommendation to the City Council for consideration.

The Fire District will work with the City to identify members for this committee, will pay to facilitate the open meetings of this committee, and will update the City on their progress. When the impact fee study has been completed, we will provide a briefing to the City Council with the advisory committee's recommendation and seek input from the Mayor and Council.

We are providing a blank resolution for the appointment of this joint committee for your consideration. We would like to convene this committee in July and respectfully request your support in adopting the resolution as soon as possible. We look forward to collaboratively ensuring we can continue to protect our community as we grow.

Sincerely,

Anne Wescott, Galena Consulting
Chief Garrett de Jong, McCall Fire Protection District

**CITY OF MCCALL
STATE OF IDAHO**

RESOLUTION 2021-_____

BY: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCALL:

- **Making Findings; and**
- **Providing for the Joint Development Impact Fee Advisory Committee; and**
- **Establishing an Effective Date.**

NOW, THEREFORE, BE IT RESOLVED by the McCall City Council, in Valley County, State of Idaho:

Section 1: Findings

It is hereby found by the McCall City Council that:

- 1.1** The McCall Fire Protection District (“Fire District”) provides fire protection and life safety services within the City’s boundaries; and
 - 1.2** The City and Fire District are experiencing and are affected by considerable growth and development; and
 - 1.3** The *Idaho Development Impact Fee Act* (the “Act”) codified at Chapter 82 of Title 67 Idaho Code provides for:
 - The imposition, collection and expenditure of development impact fees in accordance with the provisions of the Act; and
 - The promotion of orderly growth and development by establishing uniform standards by which local governments may require that those who benefit from new growth and development pay a proportionate share of the costs of new public facilities needed to serve new growth and development; and
 - Minimum standards for the adoption of development impact fees ordinances by governmental entities which are authorized to adopt ordinances; and
 - The contents of a capital improvements plan and the process to be followed for the adoption of a capital improvements plan.
-
-

- 1.4 The City is a governmental entity as defined in the Act at Idaho Code Section 67-8203(14) and, as provided at Idaho Code Section 67-8202(5), has ordinance authority to adopt a development impact fee ordinance for the assessment of impact fees for the Fire District, whereas the Fire District does not have ordinance authority and cannot adopt a development impact fee ordinance; and
- 1.5 Idaho Code Section 67-8204A, provides that a city, when affected by development, has the authority to enter into an intergovernmental agreement with a fire district for the purpose of agreeing to collect development impact fees for payment of Fire Capital Improvements costs incurred within the City; and
- 1.6 The McCall Fire Protection District has retained Anne Wescott of Galena Consulting, a qualified professional in the field of public administration, to prepare an impact fee study and capital improvements plan for the District in consultation with the Joint Advisory Committee; and
- 1.6 It is the intent of the City Council to establish together with the Fire District a Joint Advisory Committee in accordance with the provisions of this Resolution.

Section 2: Establishing the Joint Advisory Committee.

Joint Development Impact Fee Advisory Committee

- 2.1 **Committee Created:** A joint committee of the City of McCall and the McCall Fire Protection District is established.
 - 2.2 **Committee Name:** The Committee is known and shall continue to be known and designated as the “City of McCall/ McCall Fire Protection District Joint Development Impact Fee Advisory Committee” [hereinafter in this chapter referred also as “Joint Advisory Committee” or “Committee”].
 - 2.3 **Membership:** The members on the Committee shall be appointed by the McCall City Council and McCall Fire Protection District Board of Commissioners for terms of two (2) years, and there shall not be fewer than five (5) members of which two (2) or more members shall be active in the business of development, building or real estate; and no members may be employees or officials of the City or Fire District.
 - 2.3.1 Any vacancy on the Committee shall be filled by mutual appointment and confirmed by the City Council and Fire District Board of Commissioners.
 - 2.4 **Charge:** The Joint Advisory Committee shall serve as an advisory committee to the City Council and Fire District Board of Commissioners and is charged with the following responsibilities:
 - 2.4.1 Assist the City and Fire District in adopting land use assumptions; and
 - 2.4.2 Review the Capital Improvements Plan; and
-
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- 2.4.3 Monitor and evaluate implementation of the Capital Improvements Plan;
- 2.4.4 File with the City and Fire District at least annually, with respect to the Capital Improvements Plan a report of any perceived inequities in implementing the Capital Improvements Plan or imposing the Fire District Impact Fees;
- 2.4.5 Advise the City Council and Fire District Board of Commissioners of the of the need to update or revise land use assumptions, Capital Improvements Plan and Development Impact Fees; and
- 2.4.6 The Fire District shall make available to the Joint Advisory Committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, the Capital Improvements Plan and periodic updates of the Capital Improvements Plan.

2.5 Joint Advisory Committee Organization: The Fire District will be responsible for scheduling and facilitating all meetings of the Committee in compliance with the Open Meeting Law [Chapter 2 of Title 74 Idaho Code].

- 2.5.1 The Joint Advisory Committee shall select its officers, which include a Chair and Vice Chair.
 - 2.5.2 The Chair shall conduct the meetings of the Committee. The duties of the Chair shall be performed by the Vice Chair in the absence of the Chair or as delegated by the Chair. The Chair and the Vice Chair shall be members of the Committee.
 - 2.5.3 A staff member of the Fire District shall serve as the Secretary of the Committee and shall take minutes and post agenda notices required by the Open Meeting Law. The Secretary is not a member of the Committee.
 - 2.5.4 The Committee shall establish a regular meeting schedule.
 - 2.5.5 The agenda of each meeting shall include the approval of the minutes of the last meeting and the Secretary shall provide a copy of the approved minutes to the City Council and Fire District Board of Commissioners.
 - 2.5.6 Fifty percent (50%) of the membership of the Committee shall constitute a quorum. Once a quorum is established for a meeting, the subsequent absence of a member present for creating the quorum shall not dismiss the quorum.
 - 2.5.7 A majority vote of those present at any meeting is sufficient to carry motions.
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2.6 Reporting: The Joint Advisory Committee reports directly to the City Council and Fire District Board of Commissioners.

2.7 City Council and Fire District Board of Commissioners' Review of Committee's Reports and Recommendations: The City Council and Fire District Board of Commissioners shall each consider the Joint Advisory Committee's recommended revision(s) at least once every twelve (12) months. The Joint Advisory Committee's recommendations and the City Council and Fire District Board of Commissioners' actions are intended to ensure that the benefits to a Development paying Impact Fees are equitable, so that the Impact Fee charged to the Development shall not exceed a Proportionate Share of System Improvements Costs, and that the procedures for administering the Impact Fees remain efficient.

Section 3: Effective Date

3.1 This resolution shall be in full force and effect after its passage and approval and after approval of a similar resolution by the McCall Fire Protection District Board of Commissioners.

PASSED BY THE CITY COUNCIL of the City of McCall, Valley County, state of Idaho, this ____ day of _____, 2021.

ATTEST: _____



**CITY OF MCCALL
VALLEY COUNTY, STATE OF IDAHO**

Certification of Resolution __-__

STATE OF IDAHO)
 : ss.
County of Valley)

I certify that this is a true and correct copy of Resolution __-__, an original record of the City of McCall, in the possession of _____.

Dated: _____

Signature of Notary Public

My commission expires: _____

[seal]

