

**SPECIAL COUNCIL**  
**September 17, 2020**

Mayor Kling called the meeting to order at 7:00 a.m.

Clerk made note that Councilmembers Rodriguez, Mutchie, Haverfield, were present in the Council Chambers. Councilmembers Bruner, Levi, Bower were present via Teams.

Also present were: Building and Safety Director Patrick Sullivan; Economic Development Director Beth Ineck, City Attorney Mark Hilty; Assistant Finance Director Ed Karass; Finance Director Doug Racine; IT Specialist Matt Corey; Chief of Staff Rick Hogaboam; Communication Director Amy Bowman; Caldwell Finance Director Carol Mitchell.

❖ **(1) New Business** ❖

**Item #1-1.** - Mayor Kling presented the request to **approve** the participation in the Governors Public Safety Initiative/Property tax relief proposal.

Mayor Kling made an opening statement.

Finance Director Doug Racine presented the following staff report:

**Governor Little's Executive Order 2020-15**

1. The Idaho State Tax Commission shall ensure that the budget and levy effects of the Initiative remain neutral for those cities and counties that choose to participate. To accomplish this, the Idaho State Tax Commission shall not consider any subtraction from a participating entity's 2020 operating budget due to participation in this program when determining 2021 budget limitations according to Idaho Code § 63-802.
2. Urban renewal agencies that would otherwise lose funds due to the lowered levy rates of participating cities and counties shall be treated neutrally.
3. The Idaho State Tax Commission shall make such adjustments to the L-2 form as necessary to verify that participating cities and counties have met the requirements of the Initiative by certification.

**Letter to Deputy Inspector General – Issue**

“The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?”

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The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

### **Letter to Deputy Inspector General – OIG - Requirements**

Specifically, question 69 states the reporting requirements include, but are not limited to (1) general and subsidiary ledgers used to account for the receipt of CRF payments and subsequent disbursements; and (2) payroll, time, and human resource records to support costs incurred for payroll expenses related to addressing the COVID-19 health emergency.

Question 69(a) from OIG-CA-20-028 states that recipient governments, including cities, will have to demonstrate/substantiate that an employee's function/duties were in fact substantially dedicated to mitigating the emergency.

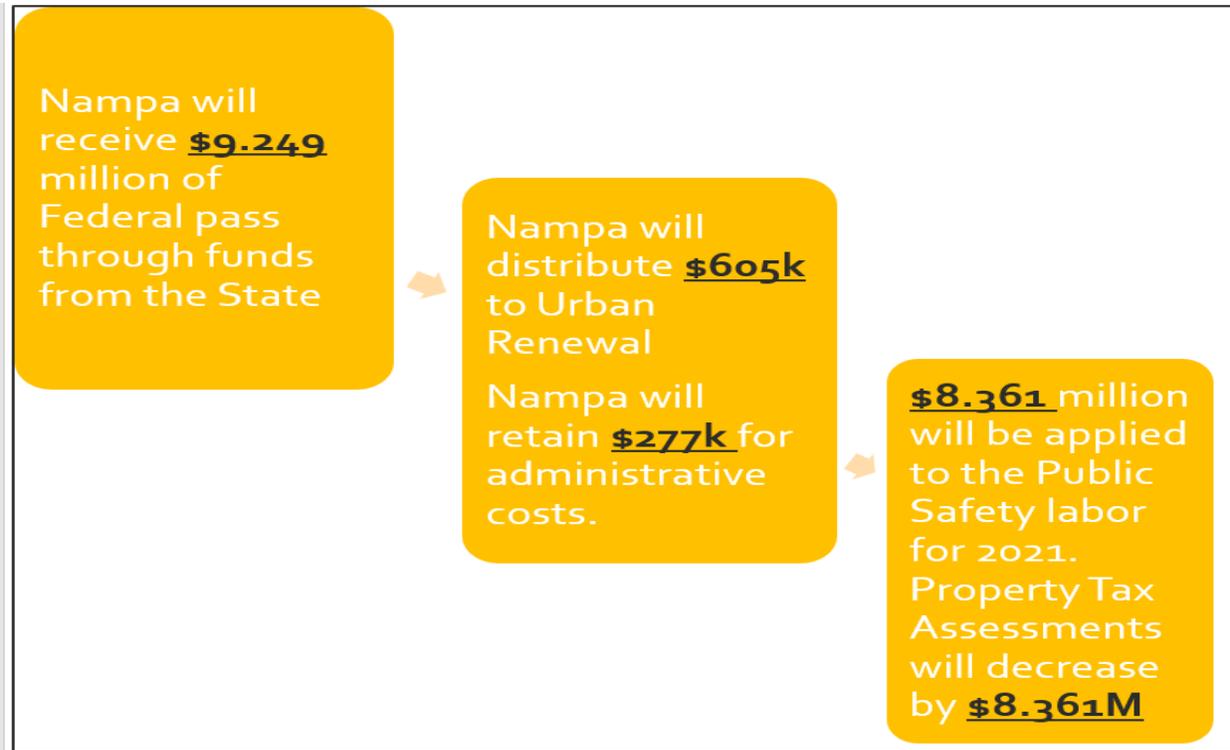
Question 69(b) similarly requires recipient governments to demonstrate/substantiate that the duties/functions of an employee substantially dedicated to mitigating the emergency are also a substantially different use. “

### **Letter to Deputy Inspector General – Request**

...At a minimum, we request that the OIG's reporting requirement of 69, 69(a), 69(b) be prospective from August 28, 2020. This will provide fair warning to prime recipients and subgrantees alike what the rules are and the standards they must adhere to ensure compliance with Treasury Office of Inspector General Auditing requirements.

While this is the minimum request, we would prefer that you fully withdraw questions 69, 69(a) and 69(b) from your FAQ and with it the overly burdensome reporting requirements.

**Funding Proposition**



City Attorney Mark Hilty presented a legal opinion on the Urban Renewal payback from CARES money or the General Fund.

Mayor and Councilmembers asked questions and made comments.

**MOVED** by Mutchie and **SECONDED** by Haverfield to **not accept** the participation in the Governors Public Safety Initiative/Property tax relief proposal. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Levi, Bower, Haverfield, Mutchie voting **YES**. Councilmember Bruner voting **NO**. The Mayor declared the

MOTION CARRIED

❖ (2) Executive Session ❖

**Item #2-1-** None Mayor Kling presented the request to **adjourn** into Executive Session Pursuant to Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

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**MOVED** by Rodriguez and **SECONDED** by Haverfield to **adjourn into executive session** at 8:05 a.m. Pursuant to Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Rodriguez to **conclude the executive session** at 8:55 a.m. during which discussion was held regarding Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Rodriguez to **adjourn the meeting** at 8:56 a.m. The Mayor declared the

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Passed this 21st day of September 2020.

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MAYOR

ATTEST:

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NAMPA CITY CLERK