



**CITY OF KUNA
REGULAR COUNCIL MEETING
AMENDED AGENDA**

July 2, 2013 at 7:00 PM

Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, ID

PRE-COUNCIL WORK SESSION 6:30 P.M.

1. Call to Order
2. Brief Overview of the Kuna Crossing Feasibility and Implementation Plan and Upcoming Workshop - Jeff Lowe, Senior Transportation Planner, Ada County Highway District (ACHD)
3. Adjournment

REGULAR COUNCIL MEETING 7:00 P.M

1. Call To Order And Roll Call:
2. Invocation: Scott Piper, First Baptist Church
3. Pledge Of Allegiance: Mayor Nelson
- 3.A. Request To Amend The Agenda
(The council must move to amend the agenda per IC 67-2343 Effective July 1, 2009.)
Amend the agenda originally posted on June 28, 2013 to include the following under Old Business:

6B. Water Tower Painting Project – Casey Cobb, Kuna High School Associated Student Body President

Staff was notified of the request on Tuesday, July 2, 2013.

4. Consent Agenda:
All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Old Business or as instructed by the City Council.
- 4.A. Approve Minutes Of June 18, 2013 Joint City Council And School Board Meeting

Documents: [4A 06.18.13 JOINT SCHOOL BOARD.PDF](#)
- 4.B. Approve Minutes Of June 18, 2013 Regular Meeting

Documents: [4B 06.18.13 REGULAR CCM.PDF](#)
- 4.C. Accounts Payable Dated July 2, 2013 In The Amount Of \$131,627.46

Documents: [4C UNPAID INVOICE REPORT 07.02.13.PDF](#)
5. Citizen's Reports Or Requests:
6. Old Business:

6.A. Summary Review Of The Utility Billing Changes Related To Irrigation Services Slated For Implementation August 1, 2013 - John Marsh, City Treasurer

6.B. Water Tower Painting Project – Casey Cobb, Kuna High School Associated Student Body President

7. Public Hearings: (7:00 P.m. Or As Soon Thereafter As Matters May Be Heard.)

8. New Business:

8.A. Reappointment Of Stephanie Wierschem To The Planning And Zoning Commission

8.B. Resolution R18-2013 Establishing Water Fees For Connecting To Water System – Richard Roats, City Attorney

Documents: [8B R18-2013 WATER FEES ESTABLISHING FEES FOR CONNECTING TO WATER SYSTEM.PDF](#)

8.C. Financial Results Through May 31, 2013 – John Marsh, City Treasurer

Documents: [8C FINANCIAL RESULTS MAY 2013.PDF](#)

8.D. Discussion On Ordinance 2013-12 Smoking Prohibited In Certain Areas Of City Parks – Richard Roats, City Attorney

Documents: [8D 2013-12 SMOKING PROHIBITED IN CERTAIN AREAS CITY PARKS.PDF](#)

9. Ordinances:

9.A. First Reading Of Ordinance No. 2006-35A Applewood Annexation – JLJ Enterprises Inc.

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER S1311336210, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Documents: [9A ORD 2006-35A APPLEWOOD ANNEX - JLJ.PDF](#)

9.B. First Reading Of Ordinance No. 2013-10 Doug W. Croft And Tamara S. Croft Rezone

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REZONING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL S1323142310; 927 N. LINDER ROAD, KUNA, IDAHO, FROM CBD TO C-3; AMENDING THE ZONING MAP OF THE CITY OF KUNA TO REFLECT SUCH CHANGE; AND PROVIDING AN EFFECTIVE DATE.

Documents: [9B 2013-10 CROFT REZONE.PDF](#)

9.C. First Reading Of Ordinance No. 2013-11 Joseph Guido Annexation

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL S1303438400; 4000 W. COLUMBIA ROAD, IDAHO, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Documents: [9C 2013-11 GUIDO ANNEX.PDF](#)

9.D. First Reading Of Ordinance No. 2013-12 Smoking Prohibited In Certain Areas Of City Parks

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING TITLE 7 CHAPTER 3, OF THE MUNICIPAL CODE OF THE CITY OF KUNA, COUNTY OF ADA, STATE OF IDAHO AMENDING THE CHAPTER TITLE; RE-NUMBERING THE SECTIONS TO ACCOUNT FOR THE ADDITION OF NEW SECTIONS; ADDING A NEW SECTION THAT PROVIDES FOR A DEFINITION OF CITY PARKS AND CITY PUBLIC PROPERTY; ADDING A NEW SECTION THAT PROHIBITS SMOKING WITHIN FIFTY (50) FEET OF PLAYGROUND OR OUTDOOR ATHLETIC FACILITIES AND PROVIDES FOR A VIOLATION TO BE AN INFRACTION WITH A FIFTY DOLLAR (\$50.00) FINE; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION.

Documents: [9D 2013-12 SMOKING PROHIBITED CERTAIN AREAS CITY PARK.PDF](#)

10. Mayor/Council Discussion Items:

11. Announcements:

12. Executive Session:

12.A. Adjourn To Executive Session Pursuant To Idaho Code 67-2345(F) For The Purpose Of Discussing Potential Litigation – 4th Street Water Line Break And Local Improvement District (LID) Update

13. Adjournment:

City of Kuna Council Meeting Agenda - July 2, 2013

If you need special assistance to participate in this meeting, please contact the City Clerk's Office at 922-5546 at least 48 hours prior to the meeting.

**CITY OF KUNA
CITY COUNCIL AND KUNA SCHOOL BOARD
JOINT MEETING**

MINUTES

TUESDAY, JUNE 18, 2013 at 5:30 P.M.

Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho

(Timestamp 00:00:00)

Mayor Nelson welcomed everyone at 5:35 p.m. explaining the meeting will be recorded but will be very informal. A copy of the recording will be made for the School District.

The following were present at the meeting:

Kuna City Mayor & Council:

Greg W. Nelson, Mayor
Richard Cardoza, Council President
Briana Buban-Vonder Haar, Council Member
Joe Stear, Council Member

City Staff:

Richard Roats, City Attorney
Gordon Law, City Engineer
Wendy Howell, P&Z Director
Bobby Withrow, Parks Supervisor
Brenda Bingham, City Clerk

Kuna School Board of Trustees:

Carl Ericson
Kevin Gifford
Jim Ford

Ginny Greger

Royleen Anderson

Superintendent & District Staff:

Wendy Johnson, Superintendent
Jay Hummell, Past Superintendent
Devan DeLashmutt, Asst. Superintendent & IT Coordinator
Layne Saxton, Projects Manager
Lora Seabaugh, Initial Point Principal
Karla Reynolds, High School Principal
Melanie DeLashmutt, HR Manager
Karlynn Laraway, Information Systems & Assessment Coordinator
Elizabeth Fisher, Transportation Supervisor
Mel Ricketts, Ground Supervisor

Others in attendance: Justin Dusseau, Chief of Police; Mark Barnes, Kuna Melba News Editor

1. Economic Development *(Timestamp 00:02:19)*

Economic Development Committee meets every third Thursday at 1 p.m. in a joint meeting with the Chamber of Commerce. Brochures being distributed for attracting business.

A Ridley's grocery store and McDonalds is being developed on the southwest corner of Deer Flat and Meridian roads. Other new businesses are being considered for locating at the site. BiMart and Maverick have shown interest in coming.

A sign up list is available at City Hall for citizens to list businesses they would like to see come into the area.

A suggestion was made to include a member of the Kuna School District on the Economic Development Committee.

A suggestion was made to put a committee together for creating safe bike paths for access to the schools and downtown area.

Discussion took place on options for purchasing a building for city hall, either the current location that is being rented or the “Old Gym” complex. *(Timestamp 00:49:39)*

2. Drugs *(Timestamp 00:06:53)*

Mayor Nelson explained concerns with drugs at the Skate Park noting the illegal activity taking place there is more than most people realize. Chief Dusseau is actively working on the problems by heavily policing the area and making arrests to send the message that drugs will not be tolerated in Kuna. Closing the park is not an option at this time due to the recreation needs for the youth. Interest was expressed in installing lights and getting skating competitions started.

Council consideration will be given to eliminate smoking at the Skate Park and in the children’s area at the Bernie-Fisher Park.

The School District is also concerned about the using and dealing of drugs at school and is in the process of creating a new policy to address drug and alcohol issues.

The Mayor expressed interest in working out a way to install a swimming pool by partnering with YMCA and Boys & Girls Club. Ideas were discussed on a site for the pool and the many benefits it could provide for our youth and the community as a whole.

The School District is working on obtaining grants for after school activities for the students. *(Timestamp 00:35:01)*

3. Mental Health *(Timestamp 00:10:44)*

Mayor Nelson has approached Saint Alphonsus Medical Group about getting a mental health program in Kuna and has a meeting scheduled with them next week to see what they have to offer.

4. New Businesses *(Timestamp 00:32:00)*

(Already mentioned in Economic Development section.)

5. Housing Permits *(Timestamp 00:32:04)*

It was reported that 20 new permits have been issued in the last 30 days.

6. Water Year Irrigation Outlook

The Mayor reported as it looks right now the irrigation will be shut off the last week of August. If we receive several day of rain then the irrigation will be turned off to try to stretch the water allotment out as much as possible.

7. RR Trespass Grant *(Timestamp 00:38:48)*

The Mayor is interested in putting in for a RR Trespass Grant for \$5,000. He also reported on a program available for an annual fee of \$4,000 on helping entities write and apply for grants. Possibilities will be explored on partnering together with other grant seeking entities.

Layne Saxton reported on a piece of property (approximately 3 acres) at the bend of the creek near Indian Creek Elementary that has been fenced and maintained by the School District that could potentially be used for horticulture classes or a community garden. The property could also be connected to the green belt. *(Timestamp 00:45:29)*

8. Adjournment

The next meeting will be held September 10, 5:30 p.m. at the School District. The meeting adjourned at 6:40 p.m.

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

Minutes prepared by Brenda Bingham

Date Approved: CCM 7/2/13

An audio recording of this meeting is available at City Hall upon request or it can be accessed at the City of Kuna website www.kunacity.id.gov.

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**CITY OF KUNA
REGULAR COUNCIL MEETING
MINUTES
TUESDAY, JUNE 18, 2013 at 7:00 P.M.
Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho**

COUNCIL MEMBERS PRESENT: Mayor W. Greg Nelson
Council President Richard Cardoza
Council Member Briana Buban-Vonder Haar
Council Member Joe Stear

EXCUSED ABSENCE: Council Member Doug Hoiland

CITY STAFF PRESENT: Richard Roats, City Attorney
Gordon Law, City Engineer
John Marsh, City Treasurer
Wendy Howell, P & Z Director
Brenda Bingham, City Clerk

1. Call to Order and Roll Call

Mayor Nelson welcomed everyone and called the meeting to order at 7:00 p.m. Roll call reflected Council President Cardoza and Council Members Buban-Vonder Haar and Stear present at the meeting. Council Member Hoiland was unable to attend due to illness.

2. Invocation: Chris Bent, Calvary Chapel

3. Pledge of Allegiance: Mayor Nelson

4. Consent Agenda: *(Timestamp 00:01:10)*

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Old Business or as instructed by the City Council.

A. Approve Minutes of June 4, 2013 Regular Meeting

B. Accounts Payable Dated June 18, 2013 in the Amount of \$310,379.84

Council Member Stear moved to approve the Consent Agenda as presented. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 3-0.

5. Citizen's Reports or Requests:

A. Gateway West Transmission Line Project Update – Doug Dockter, 500 kV Projects, Idaho Power Company *(Timestamp 00:01:50)*

1
2 Doug Dockter expressed appreciation to the Mayor and Council for their leadership and
3 all that has been done in routing the project and developing the consensus route that goes
4 through the Birds of Prey area and for providing comments to the Bureau of Land
5 Management (BLM). The companies continue to support the consensus routes that were
6 developed with the local stakeholders for both the northern and southern routes of the
7 project.

8
9 BLM has released their Final Environmental Impact Statement (FEIS) and comments
10 from the public and companies are due on June 28, 2013.

11
12 The companies are developing a robust enhancement package for the routes so the BLM
13 can consider them to be located on the Snake River Birds of Prey on the consensus routes
14 that were developed with the communities and stakeholders. Some of the enhancements
15 listed in the package include a lot of habitat restoration. They are looking at assisting
16 and providing administrative and public access points where deemed appropriate within
17 the Birds of Prey, additional educational opportunities and are working with the local
18 BLM to ensure their continued support of the enhancement package.

19
20 A copy of Idaho Power comments will be provided to the City.

21
22 B. Water Tower Painting Project – Casey Cobb, Kuna High School Associated Student
23 Body President (*Timestamp 00:08:32*)

24
25 McKell Kidd, Vice President of Activities, represented Casey Cobb and explained they
26 would like to paint the water tower in black and gold with a big “K” on it to promote
27 school spirit in the community. They would like to complete the project before school
28 begins in the fall or shortly after. In order to obtain a quote for the project, the
29 dimensions of the water tower are needed.

30
31 They would like to sell water bottles under the water tower during Kuna Days to help
32 raise funds. The Class of 2012 has \$3,000 they are willing to donate towards the project,
33 fundraiser ideas were discussed and the City was also invited to help out with the costs.

34
35 Color options will be presented to the Council for consideration at the next meeting.

36
37 C. Introduction to Council – Larry Maneely, Chief of Staff, Ada County Board of
38 Commissioners (*Timestamp 00:23:20*)

39
40 Larry Maneely introduced himself and invited all to contact him with any concerns
41 welcoming the opportunity to serve Kuna.

42
43 D. Valley Regional Transit (VRT) Fiscal Year Ending 2014 Budget Request and Annual
44 Progress Report – Kelli Fairless, Executive Director (*Timestamp 00:27:08*)

45
46 Kelli Fairless reported the have seen increases in their ridership and their traditional
47 transportation services are increasing each year. They are improving their technical

1 access for people to get information on public transportation. A brief history and
2 services available through VRT was presented.

3
4 A request was made in the amount of \$5,679 for consideration in the upcoming budget
5 year. Kuna would receive support from all the planning and development taking place
6 and pays the fair share for what Kuna would receive. Citizens are encouraged to contact
7 VRT to learn of the services available.
8

9 **6. Old Business:**

10
11 A. Park & Ride Discussion – Mayor Nelson (*Timestamp 00:50:22*)

12
13 Mayor Nelson recalled previous discussions on a site across from the Senior Center for a
14 park & ride and the possibility of a partnership with the new McDonalds being
15 developed on Deer Flat Road.

16
17 If the site near the Senior Center was designated as a mandatory use, then it might
18 completely fill the parking lot taking parking availability away from events at the Senior
19 Center, parks and businesses in the area. If it is not a mandatory use, then it is unknown
20 if very many of the van pools would use it. It is unknown if any of the van pools are
21 pushing for a designated lot.

22
23 More research will be done to learn about the needs and options for a Park & Ride Lot.

24
25 **7. Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.)

26
27 **8. New Business:**

28
29 A. 13-03-FP - The applicant, Westpark Company Inc., requests a final plat for Crimson
30 Point North Subdivision No. 2. This final plat proposes 16 residential lots and four (4)
31 common lots. Presented by Troy Behunin, P&Z Senior Planner (*Timestamp 01:11:50*)

32
33 **Council Member Stear moved to approve Case Number 13-03-FP the Final Plat for**
34 **Crimson Point North No. 2, Residential Subdivision. Seconded by Council Member**
35 **Buban-Vonder Haar, all voting aye. Motion carried 3-0.**

36
37 B. Ada County Prosecutorial Services for Fiscal Year Ending 2014 Budget Proposal – Brian
38 Naugle, Deputy Ada County Prosecutor (*Timestamp 01:17:35*)

39
40 Brian Naugle reported the work load for the prosecutors has increased and the State
41 allocated another District Court Judge and three more Magistrate Judges to the Ada
42 County Courthouse. New positions have been added to their budget this year for
43 prosecutors to handle the additional court rooms they will be covering. Their office staffs
44 a legal team of over 50 criminal attorneys and 15 civil attorneys. Out of the 4,300
45 misdemeanor cases opened last year, 307 of those were for Kuna which makes 7.1% of
46 their total case load.
47

1 The FYE 2014 budget proposal for prosecutorial services was made in the amount of \$48,
2 111 reflecting an increase from last year's budget which was \$44,600.

3
4 Monthly reports are being sent and communication issues in the past appear to be
5 resolved.

6
7 C. Ada County Sheriff Contract for Fiscal Year Ending 2014 Budget Proposal – Justin
8 Dusseau, Chief of Police (*Timestamp 0:28:53*)

9
10 Chief Dusseau provided the following 2014 proposed budget:

11	Personnel	\$1,444,017
12	Vehicles	119,095
13	Operating Expenses	30, 804
14	Equipment	22,477
15	Support Services	19,530
16	Shared Services Credit	-116,969
17	Total Contract	\$1,518,954
18	<i>Annual cost per resident estimated at \$96</i>	

19
20
21 Chief Dusseau explained the budget noting an increase in insurance premiums and a pay
22 increase of 3%. More discussion followed.

23
24 **9. Ordinances:**

25
26 **10. Mayor/Council Discussion Items:** (*Timestamp 01:41:17*)

27
28 Mayor Nelson reported there are a number of residents outside the city limits that are not
29 paying the same water rate as citizens inside the city limits so the City Attorney will be
30 preparing a proposal for consideration on the matter.

31
32 Pressurized irrigation subsidy for Butler's Subdivision will be discussed at a future meeting.

33
34 Council Member Stear suggested signs be posted at the park stating it is a leashed dog park.

35
36 An upcoming ordinance will be presented for consideration to eliminate smoking at the
37 Skate Park and in the recreational areas of the city park.

38
39 **11. Announcements:** (*Timestamp 01:48:12*)

40
41 The Kuna Chamber of Commerce will be holding their First Annual Golf Tournament on
42 August 1, 2013.

43
44 The Historical Society will be doing a Historical Tour at 10:00 a.m. on Saturday, June 22.

45
46 **12. Executive Session:**

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13. Adjournment:

Council Member Stear moved to adjourn the meeting at 8:52 p.m.

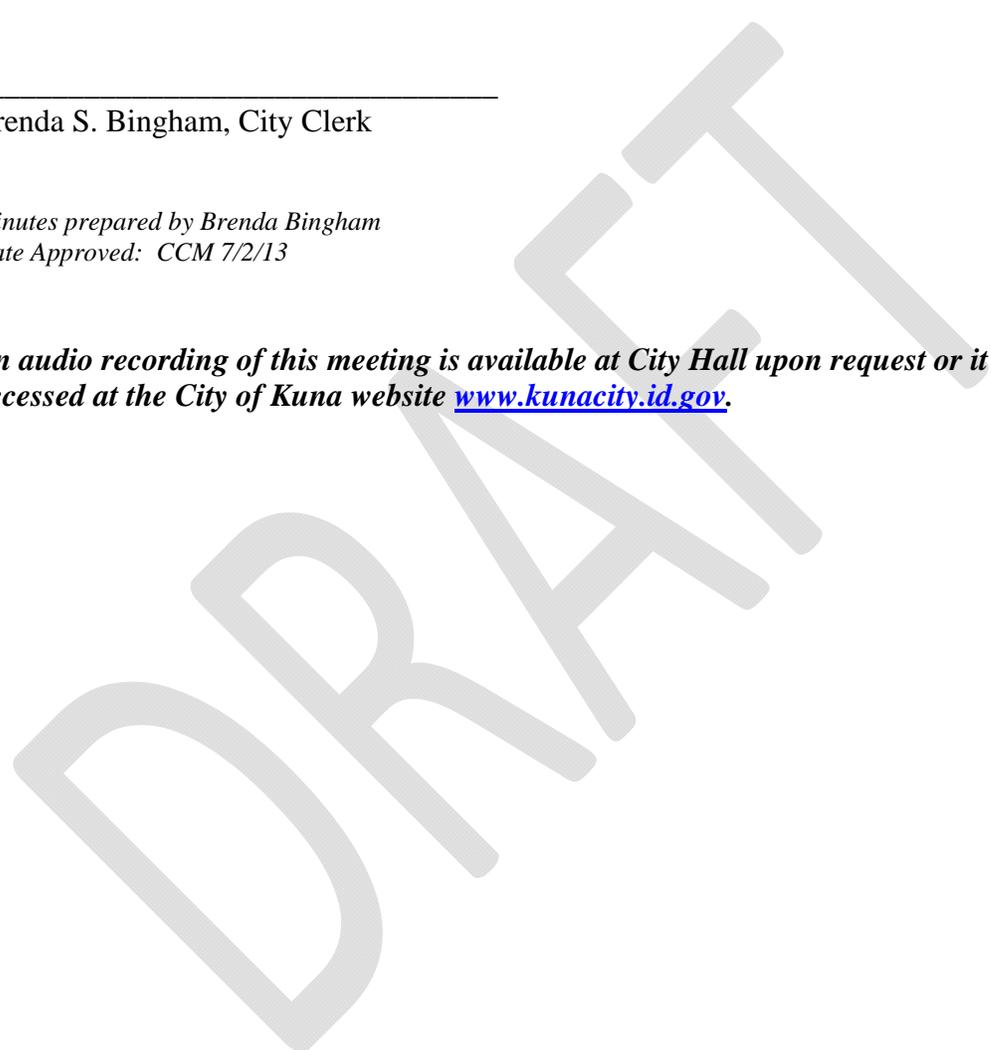
W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham
Date Approved: CCM 7/2/13*

An audio recording of this meeting is available at City Hall upon request or it can be accessed at the City of Kuna website www.kunacity.id.gov.



Report Criteria:

Detail report.
Invoices with totals above \$0.00 included.
Only unpaid invoices included.

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
2M COMPANY, INC.												
1461	2M COMPANY, INC.	4074302-000		WATER PUMP SEAL AND LINE REPLACEMENT @10-MILE L/S. JUNE '13 - SEWER	06/06/2013	641.73	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	6/13		
1461	2M COMPANY, INC.	4074325-000		SCHED 40 TEE REDUCER, BLADES, SCHED 40 PVC PIPE FOR STOCK & ARBOR RIDGE SPRINKLERS, JUNE '13 - PARKS	06/06/2013	97.02	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	6/13		
Total 2M COMPANY, INC.:							738.75	.00				
ADA COUNTY HIGHWAY DISTRICT (RENT)												
1037	ADA COUNTY HIGHWAY DISTRICT (RENT)	07/13		ACHD SHOP RENT, JULY '13 - PARKS	06/27/2013	148.50	.00	01-6211 RENT - BUILDINGS & LAND	1004	7/13		
1037	ADA COUNTY HIGHWAY DISTRICT (RENT)	07/13		ACHD SHOP RENT, JULY '13 - WATER	06/27/2013	126.00	.00	20-6211 RENT - BUILDINGS & LAND	0	7/13		
1037	ADA COUNTY HIGHWAY DISTRICT (RENT)	07/13		ACHD SHOP RENT, JULY '13 - SEWER	06/27/2013	121.50	.00	21-6211 RENT - BUILDINGS & LAND	0	7/13		
1037	ADA COUNTY HIGHWAY DISTRICT (RENT)	07/13		ACHD SHOP RENT, JULY '13 - P.I.	06/27/2013	54.00	.00	25-6211 RENT - BUILDINGS & LAND	0	7/13		
Total ADA COUNTY HIGHWAY DISTRICT (RENT):							450.00	.00				
ADA COUNTY PROSECUTING ATTORNEY												
176	ADA COUNTY PROSECUTING ATTORNEY	06/13		JUNE 2013 PAYMENT	06/10/2013	3,722.16	.00	01-6203 PROSECUTORIAL SERVICES	0	6/13		
Total ADA COUNTY PROSECUTING ATTORNEY:							3,722.16	.00				

ASSOCIATION OF IDAHO CITIES

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
	Total CUSTOM ELECTRIC, INC.:					143.52	.00	21-6150 MAINT. & REPAIRS - SYSTEM	0	6/13		
	FASTENAL COMPANY					291.80	.00	21-6150 MAINT. & REPAIRS - SYSTEM	0	6/13		
1507	FASTENAL COMPANY	IDBOS170916	631	LIFT STN., SEWER, JUNE '13 - R. DAVIS	06/17/2013	380.77	.00	21-6175 SMALL TOOLS	0	6/13		
	Total FASTENAL COMPANY:					672.57	.00					
	FILTRATION TECHNOLOGY					118.88	.00	20-6150 MAINT. & REPAIRS - SYSTEM	0	6/13		
108	FILTRATION TECHNOLOGY	6448	745	5 EA INDEX PLATES FOR HEADS THAT FEEDS CHEMICALS INTO WATER, JUNE '13 - J. YERTON	06/18/2013	118.88	.00					
	Total FILTRATION TECHNOLOGY:					118.88	.00					
	FLUID CONNECTOR PRODUCTS, INC.					236.86	.00	21-6090 FARM EXPENDITURES	0	5/13		
1083	FLUID CONNECTOR PRODUCTS, INC.	D223224	654	PRESSURE AND PUMP HOSES FOR WEED SPRAYE @LAGOONS/FARM MAY '13 - B. BACHMAN	05/24/2013	236.86	.00					
	Total FLUID CONNECTOR PRODUCTS, INC.:					236.86	.00					
	HD FOWLER COMPANY					237.12	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	6/13		
1552	HD FOWLER COMPANY	I3395977		POLY PIPE, SPRINKLER PARTS, CONNECTOR, PARKS, JUNE '13 - B. WITHROW	06/17/2013	237.12	.00					

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total HD FOWLER COMPANY:												
						237.12	.00					
HD SUPPLY WATERWORKS LTD												
63	HD SUPPLY WATERWORKS LTD	6369627	701	RESTOCK BRASS FITTINGS, RESETER, SADDLE, WATER, JUNE '13 - C. DEYOUNG	06/06/2013	300.56	.00	20-6150_MAINT. & REPAIRS - SYSTEM	0	6/13		
63	HD SUPPLY WATERWORKS LTD	9796777	702	6" VALVE RESTRAINTS, FITTINGS, BOISE/BUTLER P.I. PROJECT, JUNE '13 - C. DEYOUNG	06/06/2013	1,004.48	.00	20-6150_MAINT. & REPAIRS - SYSTEM	0	6/13		
63	HD SUPPLY WATERWORKS LTD	B070505	716	1,000 METER GASKETS FOR 3/4" GASKETS, JUNE '13 - D. CROSSLEY	06/11/2013	100.00	.00	20-6150_MAINT. & REPAIRS - SYSTEM	0	6/13		
Total HD SUPPLY WATERWORKS LTD:												
						1,405.04	.00					
HOCOCHAN HOLDINGS, INC.												
1619	HOCOCHAN HOLDINGS, INC.	AR255442		COPIER LEASE, SHARP MX4110N, P&Z - JUNE '13	06/12/2013	117.82	.00	01-6142_MAINT. & REPAIR - EQUIPMENT	1003	6/13		
1619	HOCOCHAN HOLDINGS, INC.	AR255442		COPIER LEASE, SHARP MXM503N, CITY HALL - JUNE '13	06/12/2013	235.68	.00	01-6142_MAINT. & REPAIR - EQUIPMENT	0	6/13		
1619	HOCOCHAN HOLDINGS, INC.	AR255443		COPIER MAINTENANCE FOR MAY '13 - CITY HALL	06/12/2013	90.38	.00	01-6142_MAINT. & REPAIR - EQUIPMENT	0	5/13		
1619	HOCOCHAN HOLDINGS, INC.	AR255443		COPIER MAINTENANCE FOR MAY '13 - P & Z	06/12/2013	45.18	.00	01-6142_MAINT. & REPAIR - EQUIPMENT	1003	5/13		
Total HOCOCHAN HOLDINGS, INC.:												
						489.06	.00					
IDAHO FIRST AID & SAFETY, INC. DBA												
1576	IDAHO FIRST AID & SAFETY, INC. DBA	51610	720	RESTOCK FIRST AID, WATER, JUNE '13 - J. YERTON	06/05/2013	111.69	.00	20-6230_SAFETY TRAINING & EQUIPMENT	0	6/13		

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total IDAHO FIRST AID & SAFETY, INC. DBA:												
						111.69	.00					
IDAHO HUMANE SOCIETY												
833	IDAHO HUMANE SOCIETY	07/13		CONTRACT SERVICES - JULY '13	06/27/2013	4,121.00	.00	01-6005 ANIMAL CONTROL SERVICES	0	7/13		
Total IDAHO HUMANE SOCIETY:												
						4,121.00	.00					
IDAHO POWER CO												
38	IDAHO POWER CO	06/13		JUNE 2013 - ADMIN	06/15/2013	247.98	.00	01-6290 UTILITIES	0	6/13		
38	IDAHO POWER CO	06/13		JUNE 2013 - P & Z	06/15/2013	66.03	.00	01-6290 UTILITIES	1003	6/13		
38	IDAHO POWER CO	06/13		JUNE 2013 - SR CTR	06/15/2013	308.68	.00	01-6290 UTILITIES	1001	6/13		
38	IDAHO POWER CO	06/13		JUNE 2013 - ST LTS	06/15/2013	5,614.72	.00	01-6290 UTILITIES	1002	6/13		
38	IDAHO POWER CO	06/13		JUNE 2013 - PARKS	06/15/2013	847.36	.00	01-6290 UTILITIES	1004	6/13		
38	IDAHO POWER CO	06/13		JUNE 2013 - WATER	06/15/2013	12,911.74	.00	20-6290 UTILITIES EXPENSE	0	6/13		
38	IDAHO POWER CO	06/13		JUNE 2013 - SEWER	06/15/2013	15,885.25	.00	21-6290 UTILITIES EXPENSE	0	6/13		
38	IDAHO POWER CO	06/13		JUNE 2013 - FARM	06/15/2013	11,277.76	.00	21-6090 FARM EXPENDITURES	0	6/13		
38	IDAHO POWER CO	06/13		JUNE 2013 - P.L.	06/15/2013	9,551.03	.00	25-6290 UTILITIES EXPENSE	0	6/13		
Total IDAHO POWER CO:												
						56,710.55	.00					
INTEGRINET SOLUTIONS, INC.												
1595	INTEGRINET SOLUTIONS, INC.	61486		INCREASE MAYOR'S SERVER CAPACITY. WEBSITE WORK. JUNE '13 - ADMIN	06/09/2013	9.50	.00	01-6142 MAINT. & REPAIR - EQUIPMENT	0	6/13		
1595	INTEGRINET SOLUTIONS, INC.	61486		INCREASE MAYOR'S SERVER CAPACITY. WEBSITE WORK.								

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
				JUNE '13 - P & Z	06/09/2013	4.75	.00	01-6142 MAINT. & REPAIR-EQUIPMENT	1003	6/13		
1595	INTEGRINET SOLUTIONS, INC.	61486		INCREASE MAYOR'S SERVER CAPACITY, WEBSITE WORK, JUNE '13 - WATER	06/09/2013	11.03	.00	20-6142 MAINT. & REPAIRS-EQUIPMENT	0	6/13		
1595	INTEGRINET SOLUTIONS, INC.	61486		INCREASE MAYOR'S SERVER CAPACITY, WEBSITE WORK, JUNE '13 - SEWER	06/09/2013	13.13	.00	21-6142 MAINT. & REPAIRS-EQUIPMENT	0	6/13		
1595	INTEGRINET SOLUTIONS, INC.	61486		INCREASE MAYOR'S SERVER CAPACITY, WEBSITE WORK, JUNE '13 - P.I.	06/09/2013	4.59	.00	25-6142 MAINT. & REPAIRS-EQUIPMENT	0	6/13		
1595	INTEGRINET SOLUTIONS, INC.	61581		MONTHLY SYSTEM SUPPORT, JUNE '13 - ADMIN	06/15/2013	57.63	.00	01-6142 MAINT. & REPAIR-EQUIPMENT	0	6/13		
1595	INTEGRINET SOLUTIONS, INC.	61581		MONTHLY SYSTEM SUPPORT, JUNE '13 - P & Z	06/15/2013	28.82	.00	01-6142 MAINT. & REPAIR-EQUIPMENT	1003	6/13		
1595	INTEGRINET SOLUTIONS, INC.	61581		MONTHLY SYSTEM SUPPORT, JUNE '13 - WATER	06/15/2013	66.97	.00	20-6142 MAINT. & REPAIRS-EQUIPMENT	0	6/13		
1595	INTEGRINET SOLUTIONS, INC.	61581		MONTHLY SYSTEM SUPPORT, JUNE '13 - SEWER	06/15/2013	79.71	.00	21-6142 MAINT. & REPAIRS-EQUIPMENT	0	6/13		
1595	INTEGRINET SOLUTIONS, INC.	61581		MONTHLY SYSTEM SUPPORT, JUNE '13 - P.I.	06/15/2013	27.87	.00	25-6142 MAINT. & REPAIRS-EQUIPMENT	0	6/13		
Total INTEGRINET SOLUTIONS, INC.:							304.00					
INTERMOUNTAIN GAS CO												
37	INTERMOUNTAIN GAS CO	07/13		JULY 2013 (MAY 13-JUNE 13)-ADMIN	06/18/2013	27.27	.00	01-6290 UTILITIES	0	6/13		
37	INTERMOUNTAIN GAS CO	07/13		JULY 2013 (MAY 13-JUNE 13)-SR CTR	06/18/2013	59.92	.00	01-6290 UTILITIES	1001	6/13		

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
	Total JWC ENVIRONMENTAL LLC:					1,532.22	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	6/13		
	KUNA LUMBER											
499	KUNA LUMBER	A57840	700	@N. WWTP, APRIL '13 - R. DAVIS	06/04/2013	15.16	.00	25-6020 CAPITAL IMPROVEMENTS	0	6/13		
499	KUNA LUMBER	B43256	695	4 BAGS OF CONCRETE, BOISE ST. & BUTLER P.I. PROJECT, JUNE '13 - C. ARMSTRONG	06/04/2013	10.79	.00	01-6140 MAINT. & REPAIR BUILDING	1004	6/13		
	Total KUNA LUMBER:					25.95	.00					
	KUNA TRUE VALUE HARDWARE											
43	KUNA TRUE VALUE HARDWARE	052213		9 KEYS FOR EMPLOYEES AT N.WWTP, MAY '13 - PARKS	05/22/2013	17.91	.00	01-6140 MAINT. & REPAIR BUILDING	1004	5/13		
43	KUNA TRUE VALUE HARDWARE	052213		2 EA ANT TRAPS, MAY '13 - SR CTR	05/22/2013	9.98	.00	01-6140 MAINT. & REPAIR BUILDING	1001	5/13		
43	KUNA TRUE VALUE HARDWARE	052213		SPRINKLER PARTS, MAY '13 - PARKS	05/22/2013	34.48	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	5/13		
43	KUNA TRUE VALUE HARDWARE	052213		TRAILER ADAPTER, MAY '13 - PARKS	05/22/2013	2.59	.00	01-6142 MAINT. & REPAIR - EQUIPMENT	1004	5/13		
43	KUNA TRUE VALUE HARDWARE	06062013	712	SR CTR-TOILET SUPPLY HOSE, JUNE '13 - B. WITHROW	06/06/2013	3.99	.00	01-6140 MAINT. & REPAIR BUILDING	1001	6/13		
43	KUNA TRUE VALUE HARDWARE	06062013	712	MOP HANDLE, BATHROOMS, JUNE '13 - B. WITHROW	06/06/2013	7.29	.00	01-6140 MAINT. & REPAIR BUILDING	1004	6/13		
43	KUNA TRUE VALUE HARDWARE	06062013	712	RAKE FOR PARKS, JUNE '13 - B. WITHROW	06/06/2013	8.99	.00	01-6175 SMALL TOOLS	1004	6/13		
43	KUNA TRUE VALUE HARDWARE	06062013	712	MAINT/OPS OF SYSTEM, JUNE '13 - B. WITHROW	06/06/2013	53.89	.00	01-6150 MAINTENANCE & REPAIRS -				

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
43	KUNA TRUE VALUE HARDWARE	06112013	722	BATTERY FOR LARGE FLASHLIGHT, B.DG INSP. JUNE '13 - J. COULTER	06/11/2013	6.49	.00	01-6142 MAINT. & REPAIR - EQUIPMENT	1005	6/13		
Total KUNA TRUE VALUE HARDWARE:												
						145.61	.00					
McGUIRE BEARING COMPANY												
729	McGUIRE BEARING COMPANY	3322738-00	696	REPLACEMENT 24 "V" BELTS FOR EXHAUST FANS/HVAC. JUNE '13 - M. NADEAU	06/04/2013	354.80	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	6/13		
Total McGUIRE BEARING COMPANY:												
						354.80	.00					
PARTS, INC.												
470	PARTS, INC.	028799	699	REPLACE HYDRAULIC HOSE FOR WHEEL LINES. JUNE '13 - C. MCDANIEL	06/04/2013	24.62	.00	21-6090 FARM EXPENDITURES	0	6/13		
470	PARTS, INC.	029112	715	BATTERY FOR DUMP TRUCK @LAGOONS. JUNE '13 - B. WITHROW	06/07/2013	57.19	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	6/13		
Total PARTS, INC.:												
						81.81	.00					
PEAK ALARM COMPANY, INC												
1021	PEAK ALARM COMPANY, INC	530624		ALARM MONITOR. WELLS#6.5.3.CEDAR. JULY '13 - WATER	07/01/2013	140.65	.00	20-6150 MAINT. & REPAIRS - SYSTEM	0	7/13		
1021	PEAK ALARM COMPANY, INC	530624		ALARM MONITOR. WELL #2 SEGO PRAIRIE. JULY '13 - P.I.	07/01/2013	28.82	.00	25-6150 MAINT. & REPAIRS - SYSTEM (PI)	0	7/13		
Total PEAK ALARM COMPANY, INC:												
						169.47	.00					
PORTAPROS, LLC dba ABC SANITATION												
829	PORTAPROS, LLC dba ABC SANITATION	54508		RENT PORT-O-POTTY. W. HUBBARD & N. LINDER. APR '19 -MAY '16. MAY '13 - PARKS	05/21/2013	78.75	.00	01-6212 RENT - EQUIPMENT	1004	5/13		

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided	
829	PORTAPROS, LLC dba ABC SANITATION	54509		RENT PORT-O-POTTY, W. DEER FLAT & LINDER, APR 19- MAY 16, 2013. MAY '13 - PARKS	05/21/2013	78.75	.00	01-6212 RENT-EQUIPMENT	1004	5/13			
829	PORTAPROS, LLC dba ABC SANITATION	55131		RENT PORT-O-POTTY, W. HUBBARD & N. LINDER, MAY 17 - JUNE 13, 2013 - JUNE '13 - PARKS	06/14/2013	78.75	.00	01-6212 RENT-EQUIPMENT	1004	6/13			
829	PORTAPROS, LLC dba ABC SANITATION	55132		RENT PORT-O-POTTY, W. DEER FLAT & LINDER, MAY 17- JUNE 13, 2012 - JUNE '13 - PARKS	06/14/2013	78.75	.00	01-6212 RENT-EQUIPMENT	1004	6/13			
Total PORTAPROS, LLC dba ABC SANITATION:							315.00	.00					
RAIN FOR RENT													
144	RAIN FOR RENT	096534305	736	SPRINKLERS AND 2 RISER CAPS FOR FARM, JUNE '13 - T. FLEMING	06/13/2013	394.08	.00	21-6090 FARM EXPENDITURES	0	6/13			
Total RAIN FOR RENT:							394.08	.00					
RENTAL CONNECTION													
893	RENTAL CONNECTION	32284		RENT POST HOLE DIGGER FOR COMMUNITY GARDEN, JUNE '13 - PARKS	06/10/2013	37.00	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	6/13			
Total RENTAL CONNECTION:							37.00	.00					
STAPLES ADVANTAGE													
1292	STAPLES ADVANTAGE	8025765703	653	COPIER PAPER, ADMIN, MAY '13 - K. RICE	05/25/2013	73.64	.00	01-6165 OFFICE SUPPLIES	0	5/13			
1292	STAPLES ADVANTAGE	8025765703	653	1 BOX HI-LITERS, N.WWTP, MAY '13 - K. RICE	05/25/2013	.97	.00	21-6165 OFFICE SUPPLIES	0	5/13			
1292	STAPLES ADVANTAGE	8025765703	653	COPIER PAPER, WRIST BAND, FOLDERS, P&Z, MAY '13 - K. RICE	05/25/2013	104.43	.00	01-6165 OFFICE SUPPLIES	1003	5/13			

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
1292	STAPLES ADVANTAGE	8025765703	653	2 PK MEMO BOOKS, PARKS, MAY '13	05/25/2013	1.12	.00	01-6165 OFFICE SUPPLIES	1004	5/13		
1292	STAPLES ADVANTAGE	8025928464	710	TABS, DIVIDERS, NOTEPADS, SCISSORS, CLERK & ADMIN, JUNE '13 - K. RICE	06/08/2013	44.39	.00	01-6165 OFFICE SUPPLIES	0	6/13		
1292	STAPLES ADVANTAGE	8025928464	710	NOTEPADS, CARD STOCK, P & Z, JUNE '13 - K. RICE	06/08/2013	19.32	.00	01-6165 OFFICE SUPPLIES	1003	6/13		
1292	STAPLES ADVANTAGE	8025928464	710	HI-LITERS, N.WWTP, JUNE '13 - K. RICE	06/08/2013	.97	.00	21-6165 OFFICE SUPPLIES	0	6/13		
1292	STAPLES ADVANTAGE	8025928464	710	CLEAR TOTE TO CARRY PLANS, NOTES, ETC, BLDG INSP, JUNE '13 - K. RICE	06/08/2013	19.49	.00	01-6165 OFFICE SUPPLIES	1005	6/13		
1292	STAPLES ADVANTAGE	8025928464	710	1 EA 3-RING BINDER FOR BILL, ADMIN, JUNE '13 - K. RICE	06/08/2013	2.18	.00	01-6165 OFFICE SUPPLIES	0	6/13		
1292	STAPLES ADVANTAGE	8025928464	710	1 EA 3-RING BINDER FOR BILL, WATER, JUNE '13 - K. RICE	06/08/2013	2.91	.00	20-6165 OFFICE SUPPLIES	0	6/13		
1292	STAPLES ADVANTAGE	8025928464	710	1 EA 3-RING BINDER FOR BILL, P.L., JUNE '13 - K. RICE	06/08/2013	.74	.00	25-6165 OFFICE SUPPLIES	0	6/13		
1292	STAPLES ADVANTAGE	8025928464	710	1 EA 3-RING BINDER FOR BILL, SEWER, JUNE '13 - K. RICE	06/08/2013	2.91	.00	21-6165 OFFICE SUPPLIES	0	6/13		
1292	STAPLES ADVANTAGE	8025928464		CREDIT FOR WRIST REST, RETURNED BY P&Z, MAY '13	06/08/2013	-5.32	.00	01-6165 OFFICE SUPPLIES	1003	5/13		
Total STAPLES ADVANTAGE:							267.75	.00				
TATES RENTS												
59	TATES RENTS	573184		FUEL PUMP PRIMER BULB FOR CHAIN SAW, PARKS, JUNE '13	06/05/2013	15.40	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	6/13		
Total TATES RENTS:							15.40	.00				

TIM GORDON

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
997	TIM GORDON	07/13		<u>JULY '13 - CITY HALL</u>	06/27/2013	972.62	.00	01-6211 RENT- <u>BUILDINGS & LAND</u>	0	7/13		
997	TIM GORDON	07/13		<u>JULY '13 - P & Z</u>	06/27/2013	486.31	.00	01-6211 RENT- <u>BUILDINGS & LAND</u>	1003	7/13		
997	TIM GORDON	07/13		<u>JULY '13 - WATER</u>	06/27/2013	1,130.32	.00	20-6211 RENT- <u>BUILDINGS & LAND</u>	0	7/13		
997	TIM GORDON	07/13		<u>JULY '13 - SEWER</u>	06/27/2013	1,345.29	.00	21-6211 RENT- <u>BUILDINGS & LAND</u>	0	7/13		
997	TIM GORDON	07/13		<u>JULY '13 - P.I.</u>	06/27/2013	470.46	.00	25-6211 RENT- <u>BUILDINGS & LAND</u>	0	7/13		
Total TIM GORDON:							4,405.00	.00				
UNITED OIL												
316	UNITED OIL	423734	683	<u>55 GAL OIL FOR WEST WELL PUMP ON DRIP SYSTEM. FARM, MAY '13 - T. FLEMING</u>	06/03/2013	758.15	.00	21-6090 FARM <u>EXPENDITURES</u>	0	6/13		
316	UNITED OIL	424013	708	<u>55 GAL DRUM RANDO HYDRAULIC OIL FOR FARM, JUNE '13 - M. NADEAU</u>	06/05/2013	678.95	.00	21-6090 FARM <u>EXPENDITURES</u>	0	6/13		
316	UNITED OIL	424367		<u>CREDIT FOR 4 DRUMS DELIVERED TO FARM, JUNE '13</u>	06/05/2013	-80.00	.00	21-6090 FARM <u>EXPENDITURES</u>	0	6/13		
Total UNITED OIL:							1,357.10	.00				
UNIVAR USA, INC.												
1410	UNIVAR USA, INC.	NA547194		<u>330 GAL SODIUM HYPOCHLORITE, FUEL, CONTAINER CHG, JUNE '13 - N.WW/TP</u>	06/10/2013	1,421.30	.00	21-6150 MAINT. & <u>REPAIRS - SYSTEM</u>	0	6/13		
Total UNIVAR USA, INC.:							1,421.30	.00				
UTILITY TRAILER SALES OF IDAHO, INC. DBA												
1641	UTILITY TRAILER SALES OF IDAHO, INC. DBA	A137240		<u>FLAGS FOR CROSSWALKS, JUNE '13 - PARKS</u>	06/05/2013	40.00	.00	01-6150 <u>MAINTENANCE & REPAIRS -</u>				

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total UTILITY TRAILER SALES OF IDAHO, INC. DBA:												
W.W. GRAINGER												
162	W.W. GRAINGER	9162088141	718	REPLACE BURNED OUT SOLENOID ON 10-MILE LIFT STATION PUMP (T.FLEMING)	06/07/2013	164.75	.00	21-6150_MAINT.& REPAIRS - SYSTEM	0	6/13		
Total W.W. GRAINGER:												
WATER DEPOSIT REFUNDS #4												
1627	WATER DEPOSIT REFUNDS #4	254060.01		AZURE PROPERTIES, #254060.01 - ACCT OVERPMT	06/13/2013	30.50	.00	99-1075 Utility Cash Clearing	0	6/13		
1627	WATER DEPOSIT REFUNDS #4	264580.01		C. BARTON, #264580.01 - ACCT OVERPMT	06/13/2013	45.00	.00	99-1075 Utility Cash Clearing	0	6/13		
1627	WATER DEPOSIT REFUNDS #4	264745.01		C. BARTON, #264745.01 - ACCT OVERPMT	06/13/2013	50.10	.00	99-1075 Utility Cash Clearing	0	6/13		
1627	WATER DEPOSIT REFUNDS #4	274795.02		M. BOSWELL, #274795.02 - WATER DEP REF	06/13/2013	63.37	.00	20-2200 WATER DEPOSITS HELD	0	6/13		
1627	WATER DEPOSIT REFUNDS #4	90860.01		D. SORENSEN, #90860.01 - ACCT OVERPMT	05/31/2013	6.28	.00	99-1075 Utility Cash Clearing	0	6/13		
Total WATER DEPOSIT REFUNDS #4:												
WESTERN TROPHY & ENGRAVING, IN												
124	WESTERN TROPHY & ENGRAVING, IN	18039	783	BLACK/SILVER PLAQUE FOR YOUTH SPORTS, JUNE '13 - BALL FIELDS	06/27/2013	62.40	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	6/13		
Total WESTERN TROPHY & ENGRAVING, IN:												
Grand Totals:												
						164.75	.00					
						195.25	.00					
						62.40	.00					
						131,627.46	.00					

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
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Dated: _____
Mayor: _____
City Council: _____

City Treasurer: _____

Report Criteria:
Detail report.
Invoices with totals above \$0.00 included.
Only unpaid invoices included.

City of Kuna, Idaho Water System Fees and Policies

RESOLUTION NO. R18-2013

A RESOLUTION SETTING FORTH AUTHORITY FOR ADOPTING WATER CONNECTION FEES AND MONTHLY WATER SERVICE RATES; ESTABLISHING FEES FOR CONNECTING TO THE WATER SYSTEM; ESTABLISHING WATER USE FEES; PROVIDING MISCELLANEOUS WATER CUSTOMER SERVICE POLICIES; SETTING MINIMUM LINE SIZES; REPEALING FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Section 7-5-5 authorizes the City of Kuna, Idaho to set water connection fees by resolution of City Council; and

WHEREAS, Section 7-5-3 authorizes the City of Kuna, Idaho to set monthly service rates for water use by resolution of City Council:

I. WATER CONNECTION FEES

NOW THEREFORE BE IT RESOLVED, that the charge(s) for connecting to the City Water System shall be determined as follows:

A) Water Main Capacity Fee: Each dwelling unit (single family residence, manufactured home, town home, condominium or apartment), or any other user based upon volume of demand compared to an “equivalent dwelling unit”, to be connected to the City potable water system, shall be assessed one thousand one hundred and seventy-three dollars (\$1,173.00) per “equivalent dwelling unit” at or before the time of connection for the capital costs of providing oversized mains and trunk lines to convey potable water required by each connection.

B) Water Supply Fee: Each dwelling unit (single family residence, manufactured home, town home, condominium or apartment), or any other user based upon volume of demand compared to an “equivalent dwelling unit”, to be connected to the City potable water system requiring water for domestic use only shall be assessed one thousand and eighty-five dollars (\$1,085.00) per equivalent dwelling unit at or before the time of connection for the capital costs of providing water supply required by each connection. In

instances where a developer or property owner has prepaid this fee as a condition of developing, and the area to which the prepayment applies is specifically defined, then any further water supply fee for connection subsequent to passage of this act shall be waived.

C) Well Mitigation Fee: Each dwelling unit (single family residence, manufactured home, town home, condominium or apartment), or any other user based upon volume of demand compared to an “equivalent dwelling unit”, to be connected to the city water system shall be assessed one hundred and twenty-five dollars (\$125.00) per equivalent dwelling unit to reimburse the cost of mitigating damages to existing private wells caused by new City wells.

D) Industrial/Commercial Connection: Each commercial or industrial facility to be connected to the publicly owned potable water works shall be assessed water main capacity fees, well mitigation fees and water supply fees, computed based on peak usage at full capacity and prorated compared to an equivalent dwelling unit. The minimum fees charged any connection shall be one equivalent dwelling unit.

The peak usage shall be determined from the usage of the proposed facility at full capacity based on flows obtained from the chart titled WASTEWATER FLOWS FROM VARIOUS SOURCES IN GALLONS PER DAY, pages 113-115, and published in “Technical Guidance Manual For Individual And Subsurface Sewage Disposal”. For uses not specifically addressed in the aforementioned publication, it shall be the responsibility of the City Engineer to equitably estimate peak usage at full capacity based on predictive equations, comparative usage, or historical usage as approved by the City Engineer. The minimum charge for non-irrigated property shall be the charge for one equivalent dwelling unit.

E) Water Meter and Service Fees: Each water connection shall be assessed charges for completing services and connections, when required, in accordance with the following schedule:

3/4"	Setter & Service	\$ 700.00/ea
1"	Setter & Service	\$1,037.00/ea
1-1/2"	Setter & Service	\$1,479.00/ea
2"	Setter & Service	\$1,847.00/ea
3" & larger	Meter & Service	Time & Material

3/4"	Meter Only	\$ 320. <u>00</u> /ea
1"	Meter Only	\$ 360. <u>00</u> /ea
1 ½"	Meter Only	\$ 550. <u>00</u> /ea
2"	Meter Only	\$ 680. <u>00</u> /ea
1/2 Street Asphalt Patch		\$ 350. <u>00</u>
Full Street Asphalt Patch		\$ 550. <u>00</u>

E) Previous Connections: In instances where an improvement on a property has previously been connected to the water system and complied with the connection fee(s) in force at the time of connection, the above fees do not apply. If, however, the connection involves an increase in number of dwelling units or an increase in demand on the system, then the connection is subject to these fees for the amount of the increase only and prorated in comparison to the demand of an equivalent dwelling unit..

II. WATER USE FEES

BE IT FURTHER RESOLVED that fees for water usage and other charges shall be determined as follows:

A) Customer Water Use Charges:

1. Standard Water Use Fee - Metered water usage for City residents and original Danskin Well customers shall be billed at a flat rate of eighteen dollars and ninety cents (\$18.90) for the first 10,000 gallons of usage in a monthly billing cycle. Metered water usage for City residents, where the head of house is over 65 years of age, shall be billed at a flat rate of fourteen dollars and seventy cents (\$14.70) for the first 10,000 gallons of usage in a monthly billing cycle. Metered water usage for all other users and users with oversized service lines shall be billed at a flat rate of twenty-one dollars and fifty-two cents (\$21.52) for the first 10,000 gallons of usage in a monthly billing cycle.

2. Excess Water Use Fee- Usage beyond 10,000 gallons shall be billed at one dollar and fifty-seven cents (\$1.57) per 1,000 gallons except for the special situation noted in the following paragraph.

3. Irrigation Water Use Fee-

a. For City residential propertyts- (a single family residence located within the City Limits of Kuna) that has no access to with no-pressure irrigation or

gravity irrigation service because the service is not available in the area that the property is located, and where the usage is beyond 10,000 gallons, but less than 45,000 gallons, said residential property shall be billed as follows:

May 1 to October 31, 2013- at thirty-three and six tenths cents (\$0.336) per 1,000 gallons-gallons from April 15th to October 15th of each year.

May 1 to October 31, 2014-2016- seventy-five cents (\$0.750) per 1,000 gallons.

May 1 to October 31, 2017-2018- one dollar (\$1.00) per 1,000 gallons.

May 1 to October 31, 2019 on- same rate as the standard water use fee.

b. For City Commercial property, or residential property that is without the city limits that has no access to pressure irrigation or gravity irrigation service because the service is not available in the area that the property is located, and where the usage is beyond 10,000 gallons, but less than 45,000 gallons, said property shall be billed as follows:

May 1 to October 31, 2013-2014- one dollar (\$1.00) per 1,000 gallons.

May 1 to October 31, 2015 on- same rate as the standard water use fee.

c. For City Enterprise Funds (except Water Fund) usage of potable water shall be billed as follows:

January 1 to December 31, 2013 on- fifty cents (\$0.50) per 1,000 gallons.

4. Bulk Water Charges - All bulk sales shall be approved by the Water Superintendent or his designated representative prior to delivery, and be obtained from designated sources only. The rate for bulk sales shall be one dollar and fifty-seven cents (\$1.57) per 1,000 gallons.

B) Other Charges:

1. Connection Fees (Outside City Limits) - Any customer outside the corporate limits of the City requesting water service, who is legally able to annex to the City, must do so to connect to the City Water System, thereafter to pay connection fees as any other resident. Any customer outside City corporate limits requesting water service, who is not legally able to annex, cannot connect without

explicit Council approval, which approval is solely at the option of City Council.

2. **Damage Repair Costs** - Damages to Water Department facilities by other utilities, excavators or others will be repaired by Water Department Personnel. All direct and indirect costs incurred in the repair will be billed to the party causing the damage.

3. **Short Notice Line Location Charges** - The City of Kuna, as required by law, participates in the Dig Line system. Forty-Eight hours notification is required prior to excavation by any party. Exceptions will be allowed for line locations during times of individual hazard or public emergency.

III. **NEW CONSTRUCTION**

BE IT FURTHER RESOLVED, that in connection with new development, the assumed water main size is a minimum nominal diameter of eight (8") inches. When, in conformance with the needs of the City Water System, a larger line is requested of the developer than this minimum nominal diameter, and the larger line is beyond the developer's flow needs, the developer may be reimbursed in conformance with adopted City reimbursement policies.

BE IT FURTHER RESOLVED, that connection fees and other charges shall be ~~are~~ in effect beginning August 1, 2013, ~~November 1, 2008~~ and that water use fees contained herein are in effect for the water meter reading cycle beginning in August 2013, and appearing in the September 2013 billing, and all similar fees and policies established by earlier resolution(s) are hereby repealed.

PASSED BY THE COUNCIL of the City of Kuna, this day of ~~June~~ 2013.

APPROVED BY THE MAYOR of the City of Kuna, this day of ~~June~~ 2013.

ATTEST:

W. Greg Nelson, Mayor

Brenda S. Bingham, City Clerk

Account Number	Account Title	Current Period Actual	Actual YTD	Encumbrance YTD	Actual + Encumbrance YTD	Annual Budget	Annual Budget Remaining
GENERAL FUND							
	Total Revenue:	74,222.69	1,868,946.72	.00	1,868,946.72	2,968,809.01	1,089,862.29
	Total Expenditure:	205,925.75	1,775,706.49	11,728.00	1,787,434.49	2,968,810.77	1,171,376.28
	Net Total GENERAL FUND:	-131,703.06	93,240.23	-11,728.00	81,512.23	-1.76	81,513.99-
LATE COMERS FEE FUND							
	Total Revenue:	49,807.27	228,912.23	.00	228,912.23	262,252.00	33,339.77
	Total Expenditure:	.00	7,239.00	.00	7,239.00	262,252.00	255,013.00
	Net Total LATE COMERS FEE FUND:	49,807.27	221,673.23	.00	221,673.23	.00	221,673.23-
WELL MITIGATION FUND							
	Total Revenue:	18.37	59,970.50	.00	59,970.50	250,000.00	190,029.50
	Total Expenditure:	.00	.00	.00	.00	250,000.00	250,000.00
	Net Total WELL MITIGATION FUND:	18.37	59,970.50	.00	59,970.50	.00	59,970.50-
WATER FUND							
	Total Revenue:	145,735.62	995,924.57	.00	995,924.57	1,815,365.00	819,440.43
	Total Expenditure:	57,039.93	941,587.51	9,176.37	950,763.88	1,815,363.00	864,599.12
	Net Total WATER FUND:	88,695.69	54,337.06	-9,176.37	45,160.69	2.00	45,158.69-
SEWER FUND							
	Total Revenue:	174,842.26	1,342,420.06	.00	1,342,420.06	2,369,989.00	1,027,568.94

Account Number	Account Title	Current Period Actual	Actual YTD	Encumbrance YTD	Actual + Encumbrance YTD	Annual Budget	Annual Budget Remaining
Total Expenditure:		110,006.37	936,594.94	31,402.45	967,997.39	2,369,980.00	1,401,982.61
Net Total SEWER FUND:		64,835.89	405,825.12	-31,402.45	374,422.67	9.00	374,413.67
LID #2006-1 WWTP FUND							
Total Revenue:		17.88	11,650,976.16	.00	11,650,976.16	2,111,200.00	9,539,776.16
Total Expenditure:		172.00	11,656,098.87	.00	11,656,098.87	2,111,200.00	9,544,898.87
Net Total LID #2006-1 WWTP FUND:		-154.32	-5,122.71	.00	-5,122.71	.00	5,122.71
PRESSURE IRRIGATION FUND							
Total Revenue:		95,166.67	482,683.47	.00	482,683.47	768,682.00	285,998.53
Total Expenditure:		21,496.50	248,082.11	8,236.99	256,319.10	768,687.00	512,367.90
Net Total PRESSURE IRRIGATION FUND:		73,670.17	234,601.36	-8,236.99	226,364.37	-5.00	226,369.37
SOLID WASTE FUND							
Total Revenue:		112,478.80	885,143.69	.00	885,143.69	1,302,516.00	417,372.31
Total Expenditure:		98,047.41	876,308.70	.00	876,308.70	1,302,504.00	426,195.30
Net Total SOLID WASTE FUND:		14,431.39	8,834.99	.00	8,834.99	12.00	8,822.99
Net Grand Totals:		159,601.40	1,073,359.78	-60,543.81	1,012,815.97	16.24	1,012,799.73

Finance Worksheet - Actual W/Annual Budget (Summarized)
Periods: 10/12-05/13

Account Number	Account Title	Current Period Actual	Actual YTD	Encumbrance YTD	Actual + Encumbrance YTD	Annual Budget	Annual Budget Remaining
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Report Criteria:

Accounts to include: With balances or activity

Print Fund Titles

Total by Fund

All Segments Tested for Total Breaks

[Report].Account Number = {>=} "014000" {AND} {<=} "016505", {>=} "034161" {AND} {<=} "036505", {>=} "054173" {AND} {<=} "056400", {>=} "064162" {AND} {<=} "066505", {>=} "194173" {AND} {<=} "196505", {>=} "204164" {AND} {<=} "206505", {>=} "214164" {AND} {<=} "216505", {>=} "224173" {AND} {<=} "226505", {>=} "254173" {AND} {<=} "256505", {>=} "264173" {AND} {<=} "267000"

CITY OF KUNA
COMBINED CASH INVESTMENT
MAY 31, 2013

COMBINED CASH ACCOUNTS

99-1002	CASH IN BANK /BOT CASCADES	(819.44)
99-1004	CASH-US BANK	(991.12)
99-1010	CASH CLEARING		.00
99-1020	CASH-BOTC-STATE POOL MMKT 2021		.00
99-1021	CASH-BOTC-LID MMKT 2048	(.01)
99-1030	CASH-LGIP ACCOUNT		2,492,223.52
99-1040	CASH - US BANK GENERAL CKNG		3,645,530.57
99-1041	CASH - US BANK PAYROLL CKNG	(2,634.03)
99-1070	RETURNED CHECK CLEARING	(75.00)
99-1075	UTILITY CASH CLEARING		3,454.72
	TOTAL COMBINED CASH		6,136,689.21
99-2000	ACCOUNTS PAYABLE	(792.56)
99-1000	CASH ALLOCATED TO OTHER FUNDS	(6,135,896.65)
	TOTAL UNALLOCATED CASH		.00

CASH ALLOCATION RECONCILIATION

1	ALLOCATION TO GENERAL FUND		658,302.93
3	ALLOCATION TO GRANT FUND		.00
5	ALLOCATION TO LATE COMERS FEE FUND		267,013.60
6	ALLOCATION TO JUVENILE JUSTICE FUND	(102.01)
19	ALLOCATION TO WELL MITIGATION FUND		250,605.71
20	ALLOCATION TO WATER FUND		1,824,017.57
21	ALLOCATION TO SEWER FUND		1,888,063.19
22	ALLOCATION TO LID #2006-1 WWTP FUND		241,190.18
25	ALLOCATION TO PRESSURE IRRIGATION FUND		870,159.51
26	ALLOCATION TO SOLID WASTE FUND		115,310.97
30	ALLOCATION TO AGENCY FUND		21,335.00
	TOTAL ALLOCATIONS TO OTHER FUNDS		6,135,896.65
	ALLOCATION FROM COMBINED CASH FUND - 99-1000	(6,135,896.65)
	ZERO PROOF IF ALLOCATIONS BALANCE		.00

ORDINANCE NO. 2013-12

BY THE COUNCIL:

AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING TITLE 7 CHAPTER 3, OF THE MUNICIPAL CODE OF THE CITY OF KUNA, COUNTY OF ADA, STATE OF IDAHO AMENDING THE CHAPTER TITLE; RE-NUMBERING THE SECTIONS TO ACCOUNT FOR THE ADDITION OF NEW SECTIONS; ADDING A NEW SECTION THAT PROVIDES FOR A DEFINITION OF CITY PARKS AND CITY PUBLIC PROPERTY; ADDING A NEW SECTION THAT PROHIBITS SMOKING WITHIN FIFTY (50) FEET OF PLAYGROUND OR OUTDOOR ATHLETIC FACILITIES AND PROVIDES FOR A VIOLATION TO BE AN INFRACTION WITH A FIFTY DOLLAR (\$50.00) FINE; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION.

WHEREAS, Article XII, Section 2 of the Idaho Constitution and Idaho Code Section 50-302 allow municipal corporations to adopt regulations which are not contrary to the general laws; and

WHEREAS, Idaho Code Section 50-302 grants to cities the power to make ordinances to promote the general welfare and provides for enforcement of such ordinances by criminal penalty; and

WHEREAS, public health officials, based upon reliable studies, have concluded that second hand tobacco smoke is a significant health hazard, and it causes disease, including lung cancer and heart disease, and can exacerbate asthma and allergies and cause eye, throat and nasal irritation; and

WHEREAS, 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

WHEREAS, the Mayor and City Council, pursuant to Idaho Code Sections 39-5511, 39-5713, 50-302, and 50-304, are empowered to impose reasonable limitations and regulations upon smoking to reduce the harmful effects thereof; and

WHEREAS, the intent of the amendments to Section 10, is to protect the health of children and adults at City of Kuna parks and properties by limiting the public's exposure to second hand smoke and limiting youths' exposure to smoking behavior at those locations where youths congregate and are likely to look to smoking adults as role models.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KUNA, ADA COUNTY, IDAHO, as follows:

Section 1. That certain Sections of Chapter 3, Title 7, Kuna City Code, as designated by underlining the new enacted words be, and the same are hereby amended to read as follows:

CHAPTER 3 – RENTAL OF CITY PARKS AND CITY PUBLIC PROPERTY

7-3-1: DEFINITIONS

7-3-2: EXCLUSIVE RESERVATIONS:

7-3-32: - APPLICATION FOR RESERVATION:

7-3-43: - FEES:

7-3-54: - WATER AND UTILITY LINES:

7-3-65: - VACATION OF PARKS:

7-3-76: - HOURS:

7-3-87: - AFTER HOURS PERMIT:

7-3-98: - SPEED LIMITS:

7-3-109: - HANDICAPPED PARKING:

7-3-11: -SMOKING PROHIBITED

7-3-120: - POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES:

7-3-134: - DOGS:

7-3-142: - GLASS CONTAINERS:

7-3-153: - FISHING PROHIBITED:

7-3-164: - VIOLATION, PENALTY:

7-3-1: DEFINITIONS:**A. As used in this Chapter:**

1. City parks and/or City public property mean (1) any and all lands, buildings, reserves, sports complexes, playgrounds, skate board parks, BMX facilities, gardens, trails and other general or special use outdoor places, including the City of Kuna greenbelt that are owned, operated or maintained by the City of Kuna.

7-3-2: - EXCLUSIVE RESERVATIONS:

Kuna city parks and greenbelt are public use areas; any exclusive reservation will be only for the park band shell and/or gazebo and their immediate area and that other citizenry have right to the access and use of other park/greenbelt areas.

7-3-32: - APPLICATION FOR RESERVATION:

Persons, associations, corporations, and other entities desiring to use the Kuna city park and/or park band shell or gazebo shall apply at city hall and reserve a time for such use, if their requested use time is available. Reservation of the entire park may be made for public events.

7-3-43: - FEES:

The fees for the rental of a city park or other public property or the after hours permit shall be in accordance with the fee schedule as adopted by resolution of the city council.

7-3-54: - WATER AND UTILITY LINES:

Because of the unmarked underground water and utility lines in city parks, any sponsor or individual user of Kuna city parks must contact the city public works director to coordinate the driving of any stake(s).

7-3-65: - VACATION OF PARKS:

If persons, associations, corporations, and other entities using the park band shell or gazebo have not reserved the time, have not paid the appropriate fee, and/or are using the park band shell or gazebo at a time that has been reserved for another person, association, corporation, or other entity, they shall be requested to vacate by an appropriate representative of the city.

7-3-76: - HOURS:

- A. No person shall use, enter upon, or occupy the premises of any Kuna city park between dusk and dawn of any day without securing an after hour permit as provided herein. Dusk shall be defined as thirty (30) minutes after sunset, and dawn shall be defined as thirty (30) minutes before sunrise. Law enforcement officers, other safety personnel, city officials or city employees, when acting in their official capacities, are exempt from this regulation.
- B. A violation of this section shall be punishable by infraction and subject to a fine of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each additional offense.

7-3-87: - AFTER HOURS PERMIT:

A permit shall be required for the use and occupancy of any Kuna city park between the hours of dusk and dawn of said day(s) and shall be obtained from the city clerk during normal business hours and shall be so issued upon a daily basis and in accordance with the fee schedule as established by the City of Kuna. The clerk may issue the permit after the applicant submits an application, on the form provided by the city and pays the appropriate fees. The application shall include a safety plan approved by the Kuna Police Department. Unless specifically allowed by the permit, overnight camping or parking shall be prohibited.

7-3-98: - SPEED LIMITS:

No motor vehicle shall be operated within the confines of Kuna city parks at a speed in excess of ten (10) miles per hour.

7-3-109: - HANDICAPPED PARKING:

Accessible parking spaces have been identified for physically challenged park patrons; other park users are to honor those spaces so as to allow handicapped individuals easier access to public city park facilities.

7-3-11: - SMOKING PROHIBITED IN CERTAIN AREAS:**A. Definitions:****As used in this Section:**

“Smoking” means inhaling, exhaling, burning, carrying, or possessing any combusting (heated, lit, or smoldering) tobacco or any other substance, whether possession of an unlit or unheated cigar, cigarette, or pipe.

B. Smoking Prohibited: Smoking is prohibited either at, or within, fifty (50) feet of the following outdoor areas within any City of Kuna park or city owned property: playground or outdoor athletic facility where members of the general public of any age assemble to engage in physical exercise, participate in athletic competition, play or recreational activity, or to witness sports, or other outdoor recreational events.

D. Signage: The City of Kuna may post no smoking signs at the locations where smoking is prohibited by this Ordinance.

C. Violations and penalties: A person who smokes in an area where smoking is prohibited by the provisions of this Section shall be punishable by a fine not exceeding fifty dollars (\$50.00), as prescribed by the Idaho Infraction Rules.

7-3-120: - POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES:

It shall be unlawful for any person, association, corporation or other entity to sell, distribute, possess or consume any type of alcoholic beverage without first obtaining any necessary permit(s) or license(s) from the state, county and/or city, including a liquor license and a valid catering permit issued by the city.

7-3-134: - DOGS:

- A. Except as provided herein, in all Kuna city parks, all dogs shall be on a leash not greater than eight (8) feet in length.
- B. Dogs shall be prohibited within twenty-five (25) feet of any type playground equipment, which shall be considered a "Dog Free" area, as provided in KCC 10-3-6.
- C. In the following areas, dogs shall be permitted to be off-leash as long as the dog(s) are under control of their owner as defined in KCC 10-3-2:
 - 1. Sego Prairie Park.
 - 2. The south side of the Green Belt walking path to the high water mark of Indian Creek in the Greenbelt Park.
 - 3. Sadie Creek Park.
- D. The dog owner shall immediately clean up their dog's waste and properly dispose of it, as provided for in KCC 10-3-18.

7-3-142: - GLASS CONTAINERS:

Glass containers shall be prohibited in any Kuna city park.

7-3-153: - FISHING PROHIBITED:

Fishing shall be prohibited in any area posted as a "No Fishing Zone" as adopted by city resolution.

7-3-164: - VIOLATION, PENALTY:

Except as otherwise provided by this chapter any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.

Section 2: This ordinance shall become effective after its adoption and publication as required by law.

PASSED by the Council of the City of Kuna, Idaho this ____ day of July, 2013.

APPROVED by the Mayor of the City of Kuna, Idaho this ____ day of July 2013.

CITY OF KUNA

Ada County, Idaho

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

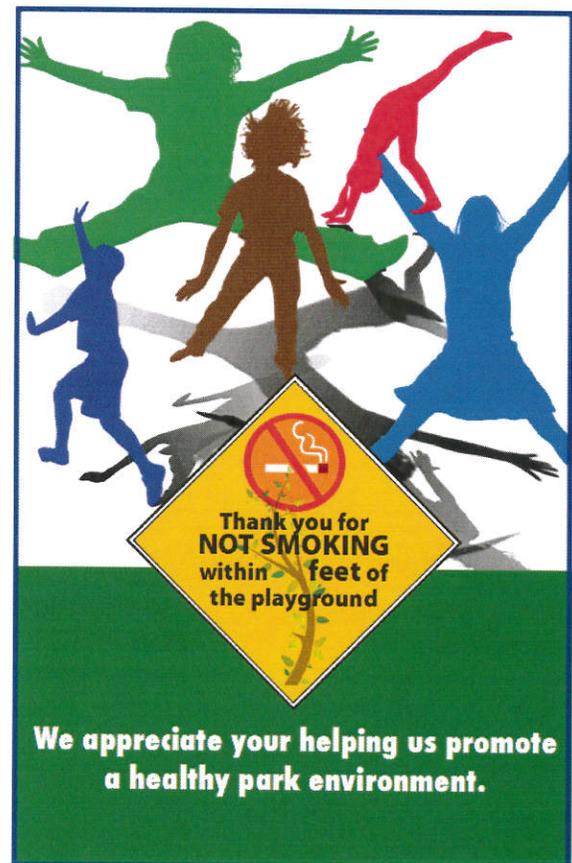
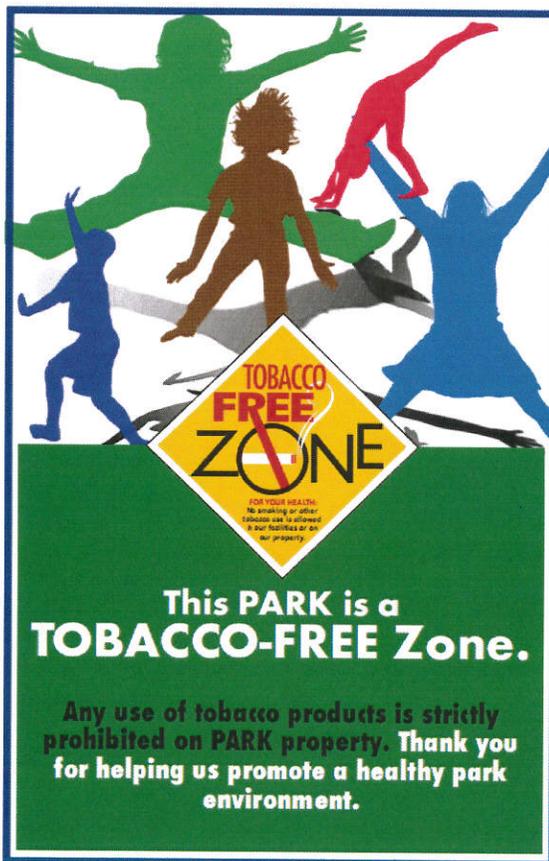
Free Signs Available with Smoke-Free or Tobacco-Free Park Policy

To Qualify: Policy must list all facilities covered, statement of what forms of tobacco prohibited, enforcement plan that includes user and staff notification and signage. Wording may be modified. In Ada, Boise, Elmore, or Valley County - contact: Joanne Graff at Central District Health Department for details: 208.327.8543 or jgraff@cdhd.idaho.gov

18 inch square (25" on point):



12 inch x 18 inch:



Playing Tobacco - Free:



Tobacco-Free Policies for Outdoor Recreation Areas

Joanne Graff, Health Education Specialist
Central District Health Department



- Tobacco Prevention and Control Program
 - Build partnerships to work on tobacco prevention & policy
 - Assist groups in creating tobacco-free environments to model and promote healthful lifestyles
- CDHD "Walks the Talk"
 - 2008 Tobacco-Free campus policy
 - 2010 Preference to hire non-tobacco users
 - 2011 Nicotine-free hiring policy



Impact of Policy on Smoking Rates

Smoke-free policies in workplaces and other public places not only protects nonsmokers from involuntary exposure to the toxins in tobacco smoke, but also may have the added benefit of increasing the number of smokers who quit and reducing tobacco consumption by those who continue to smoke."

Tobacco Control State Highlights, 2010, CDC



Smoke-Free vs Tobacco-Free

- Smoke-Free:
 - Definition of "smoking" includes the possession of any lighted tobacco product in any form.
- Tobacco-Free:
 - Includes both smoking and smokeless tobacco.



Smoking: The World Has Changed

- In 1965, 1/2 of adult men and 1/3 of adult women in the U.S. smoked
- And they did so...
 - At work
 - On airplanes
 - During college classes
 - In hotels and theaters
 - In restaurants & bars
 - In their homes



The Majority of Idaho Residents Do Not Smoke!



- 16.3% Idaho Adults Smoke
2009 Behavioral Risk Factor Surveillance System (BRFSS)
- 14.5% of Idaho Teens Smoke
2009 Youth Risk Behavioral Surveillance (YRBS)



Tobacco Policy Now...

- **Worksites:**
 - CDHD, Blue Cross of Idaho, Ada County – tobacco-free campus + nicotine-free hiring
 - area hospitals, Motive Power, Scensty – tobacco-free campus
- **Schools –**
 - Elementary & secondary - tobacco-free
 - BSU – smoke-free campus
- **Outdoor Recreation –**
 - Bogus Basin, Payette Lakes Little Ski Hill, Bear Basin – smoke-free
- 79% of Idaho homes have “smoke-free rules”



Why Consider a Smoke-Free Park Policy?

- Parks promote healthy activities
- Adult actions influence youth
- Tobacco-free policies are becoming the norm
- A majority of people are non-smokers
- Secondhand smoke can affect non-smokers
- Cigarette butt litter is harmful and costly to clean up
- Public is supportive



Secondhand Tobacco Smoke



- There is no safe level of exposure
- Exposure has immediate health consequences (heart & lungs)
- Cancer, Asthma, SIDS
- Infants, children and older people especially vulnerable

– 2006 U.S. Surgeon General’s Report :The Health Consequences of Involuntary Exposure to Tobacco Smoke



Secondhand Tobacco Smoke

- Even occasional smoking or secondhand smoke – causes immediate damage to your body that can lead to serious illness or death.
- Cellular damage and tissue inflammation from tobacco smoke are immediate; repeated exposure weakens the body’s ability to heal the damage.
- “Inhaling even the smallest amount of tobacco smoke can also damage your DNA, which can lead to cancer.”

– 2010 U.S. Surgeon General’s Report: How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease



Outdoor Secondhand Tobacco Smoke

- During smoking, outdoor smoke levels may be as high as indoor smoke levels.

– Repace JL. Exposure to Secondhand Smoke. Exposure Analysis 2006

- People are exposed to higher level of cancer-causing chemicals in outdoor areas when smoking is occurring.

– Repace JL and Rupprecht AA. Outdoor Air Pollution From Secondhand Smoke. Presented at the 13th World Conference on Tobacco or Health, Washington, DC, 2005



Outdoor Secondhand Tobacco Smoke

- Being upwind from smoker outdoors does not eliminate the chemicals from the air.

– Klepeis, et al. (2007) Real-Time Measurement of Outdoor Tobacco Smoke Particles, J. Air & Waste Manage. Assoc.

- As secondhand smoke rises into the air, it becomes invisible and drops down to a lower level where people breathe in toxins from the unseen smoke.

– Stanford University





Cigarette Butts Litter Our Parks

Kids pick up everything

Cigarette butts account for more litter in parks and recreation areas than any other form of litter.

- costly to clean up
- swallowed by kids



Working to create a healthier community.



Is the Smoke-Free Park Concept New?

- Nationally Smoke-Free Parks are not a new concept.
- According to the American Nonsmoker's Rights Foundation (www.no-smoke.org) there are over 600 municipalities with Smokefree Park Laws that cover the total park area.




Policy or Ordinance?

- Park Policies**
 - Rules
 - No fine
 - Asked to refrain from using tobacco or leave the premises
- Ordinance**
 - Local government enactments
 - Regulate people or property
 - Penalty such as a fine




Idaho's Smoke-Free Parks

Public Health District	Municipality
1	Coeur d'Alene, Hayden, Rathdrum, Sandpoint, Boundary County
2	Moscow, Pottlatch, Orofino, Kamiah
3	Marsing, Emmett, Wilder, Payette, Melba, Weiser
4	Meridian, Cascade, Boise, McCall, Bogus Basin, Payette Lake's Ski Club: Little Ski Hill & Bear Basin, Donnelly
5	Twin Falls, Burley, Oakley
6	Pocatello, Soda Springs
7	Ammon, Rexburg, Driggs, Victor, St. Anthony



Are existing tobacco-free policies working?

- Minnesota** – survey of park directors in 100 Minnesota cities and counties with tobacco-free park policies.
 - 74% reported no problems with park users violating the policy
 - 90% would recommend tobacco free policies to other communities
- Tacoma** - park-wide smoke-free ordinance (75 parks)
 - Most people compliant with signage. Few complaints about policy.
- Salt Lake County** – park-wide smoke-free ordinance (70+ parks)
 - Predominately self-enforcing; occasional complaints about non-compliance
- Ammon, ID** – park-wide smoke-free ordinance
 - Most people comply
- Rexburg, ID** - smoke-free ordinance 50 feet of designated areas
 - No complaints or opposition; majority comply
- Meridian, ID** – smoke-free resolution linked to existing "posted signage" ordinance; excludes parking lots; - no issues



Public Support in Idaho

- More than half of Idahoans surveyed support smoke-free outdoor areas, especially when children are present.

Department of Health and Welfare 2009
- 68% Central District Health Department Survey responses supported tobacco-free parks.

Central District Health Department, Summer 2010
- 80% of North Central Public Health District Survey responses supported tobacco-free parks.

North Central Public Health District, August 2010
- 78% of South Central Public Health District Survey responses supported tobacco-free parks.

South Central Public Health District, June 2010
- 88% of Southeastern Public Health District Survey responses supported tobacco-free parks.

Southeastern Public Health District, January 2011



Public Support in U.S.

- 79.2% supported "Smoking should not be allowed at all in outdoor children's playgrounds/sports fields."

Tobacco Use Supplement to the Current Population Survey (TUS-CPS)
 U.S. National Institutes of Health.
 Surveyed: 167,046; 2006-07



Recreation Groups Support Tobacco-Free Policies

- The National Alliance for Youth Sports and the National Youth Sports Safety Foundation state that parents must demand a tobacco, drug and alcohol-free environment.
- The National Youth Sports Coaches Association Code of Ethics states that each coach should provide a sports environment that is free of tobacco, drugs, and alcohol.



Common Concerns Surrounding Smoke-Free Policy

- Enforcement/ Compliance
- Personal Rights
- Discrimination
- What will be prohibited next?



Enforcing and Publicizing



- Signage
 - Similar to other park policies, such as alcohol and litter policies, primary enforcement is with signs.
 - Empowers park users to speak up.
 - Most comply with signage.



Enforcing and Publicizing

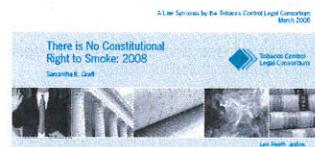


- Education
 - Website, Newsletters
 - Activity brochures
 - Policy manual
 - Coach & parent meetings
 - Registration receipts
 - Awareness event
- Most communities do not ask their police to actively patrol the parks. Instead, they rely on peer enforcement among park users.



There is No Constitutional Right to Smoke

- Smokers are not a "protected class" such as race or gender
- It is not a violation of anti-discrimination laws to prohibit smoking.
- Smoking is a behavior -- not a condition of birth -- so it is not protected from discrimination



What's Next? Outlawing Twinkies?

"The health problems with sugar, fat, salt and alcohol stem from the misuse, overuse and abuse of these products. Tobacco is the ONLY product that when used properly, as directed, leads to severe illness and premature death."

Ferd Schlapper
Executive Director
Health, Wellness and Counseling Services
Boise State University
2008



Available Resources from Central District Health Department

- Provide contact information for tobacco cessation & control efforts in your community
- Provide ongoing support throughout the process, providing sample policies, information about other cities who have completed this process, help with education to the community
- Provide FREE metal signs for your parks



Free Metal Signs from CDHD!



Options to Consider

- 1) Tobacco-Free or Smoke-Free?
- 2) Policy or Ordinance?
- 3) Park-wide or specific area?
 - Playground, concession area, restrooms, bleachers
 - Park-wide excluding parking lots
- 4) No change



Thank you for making our
parks tobacco free!



For more information, contact:
Joanne Graff, Health Educator
Central District Health Department
joanne.graff@cdhd.org
Phone: 327-8543
Serving Ada, Boise, Elmore, and Valley Counties
"Healthy People in Healthy Communities"



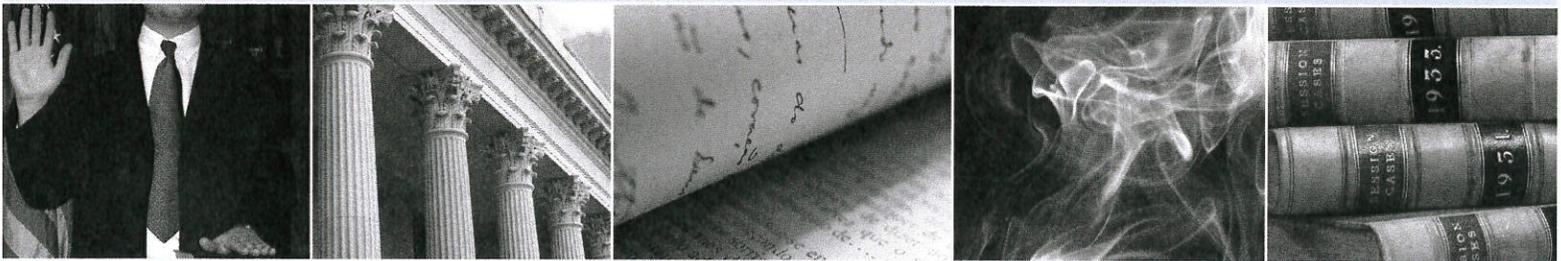
A Law Synopsis by the Tobacco Control Legal Consortium
March 2008

There is No Constitutional Right to Smoke: 2008

Samantha K. Graff



Tobacco Control
Legal Consortium



Law. Health. Justice.

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Suggested citation:

Samantha K. Graff, Tobacco Control Legal Consortium, *There is No Constitutional Right to Smoke: 2008* (2d edition, 2008).

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This publication was made possible by the financial support of the American Cancer Society and the Robert Wood Johnson Foundation.

There is No Constitutional Right to Smoke: 2008

Samantha K. Graff

Introduction

Smoking is the leading cause of preventable death in the United States. More than 12 million premature deaths over the past 40 years were attributable to smoking.¹ Today, smoking causes approximately 438,000 deaths each year and results in over \$167 billion in annual health-related economic losses.² Smoking not only injures nearly every organ of the smoker's body,³ but it inflicts considerable damage on nonsmokers. Exposure to secondhand smoke is estimated to kill approximately 50,000 non-smokers in the United States each year.⁴

In an attempt to limit the extraordinary harm that tobacco smoke inflicts on individuals and communities, advocates across the country are supporting enactment of state and local smoke-free laws. These advocates have seen their efforts rewarded with a wave of state and local workplace restrictions that prohibit smoking in offices, restaurants and bars.⁵ Moreover, various cities have passed smoking restrictions that cover targeted locations, such as playgrounds, parks, beaches, and public transit vehicles.⁶ In addition, some local government agencies, such as police and fire departments, have adopted policies requiring job applicants or employees to refrain from smoking both on and off the job.⁷ Advocates promoting smoke-free legislation often encounter opponents who make the ominous legal-sounding argument: "You are trampling on my right to smoke." The purpose of this law synopsis is to debunk the argument that smokers have a special legal right to smoke.

If there were a legal justification for a special right to smoke, it would come from the U.S. Constitution.⁸ The Constitution lays out a set of civil rights that are specially protected, in that they generally cannot be abrogated by federal, state, county and municipal laws. Section I of this law synopsis explains that neither the Due Process Clause nor the Equal Protection Clause of the Constitution creates a right to smoke. As a result, the Constitution leaves the door wide open for smoke-free laws and other tobacco-related laws that are rationally related to a legitimate government goal. Section II highlights two types of state laws that may create a limited right to smoke. Section II shows that in the absence of a constitutionally protected right to smoke, advocates can seek to amend or repeal these laws, thus taking away any safeguards the laws afford to smokers.

Key Points

- There is no such thing as a constitutional "right to smoke," since the U.S. Constitution does not extend special protection to smokers.
- Smoking is not a specially protected liberty right under the Due Process Clause of the Constitution. The fundamental right to privacy does not apply to smoking.
- Smokers are not a specially protected category of people under the Equal Protection Clause of the Constitution.
- Since the Constitution does not extend special protection to smokers, smoke-free legislation need only be "rationally related to a legitimate government goal."
- Because there is no specially protected right to smoke, tobacco control advocates can work to amend or repeal state laws that stand in the way of tobacco control efforts.

Section I — There is No Constitutional Right to Smoke

Constitutional rights are specially protected, so that laws generally cannot take them away. If a law appears to interfere with a constitutional right, those whose rights are affected can challenge that law in court. A court will invalidate the law if it finds that the law improperly treads on a constitutional right. Constitutional rights include the right to freedom of speech,⁹ freedom of religion,¹⁰ due process of law,¹¹ and equal protection under the law.¹²

The Constitution does not explicitly mention smoking. Therefore, if there were a constitutional right to smoke, it would have to fall under the umbrella of one of the recognized constitutional rights. People who claim a right to smoke usually rely on one of two arguments: (1) that smoking is a personal liberty specially protected by the Due Process Clause,¹³ or (2) that the Equal Protection Clause¹⁴ extends special protection to smokers as a group. This section explains that neither of these claims is legally valid. Since smoking is not a specially protected constitutional right, the Constitution does not bar the passage of local, state, or federal smoke-free laws and other restrictions on smoking.

Smoking Is Not a Specially Protected Liberty or Privacy Right

Proponents of smokers’ rights often claim that the government should not be able to pass smoke-free laws because smoking is a personal choice that falls under the constitutional right to liberty. However, the constitutional right to liberty does not shield smokers from smoke-free legislation.

The Due Process Clause of the Constitution prohibits the government from depriving individuals of liberty without “due process of law.”¹⁵ This means that a legislative body must have an adequate justification for passing a law that affects someone’s liberty. So, for example, a smoker might challenge a smoke-free workplace law in court if she believes that the law violates the Due Process Clause because it takes away her liberty by stopping her from smoking at work without an adequate justification.

To assess whether a given law is based on an adequate

justification, a court will look at the individual and governmental interests at stake. The criteria a court uses become more demanding as the individual interest at stake becomes more substantial. In most cases, courts require that a law be “rationally related” to a “legitimate” government goal.¹⁶ This requirement sets a very low bar for the government: a law will be considered constitutional so long as the law is not completely irrational or arbitrary.¹⁷

In some special cases, however, courts set a much higher bar for the government. This happens when a law restricts a type of liberty that is specially protected by the Constitution. Very few types of liberty are specially protected by the Constitution. The “fundamental right to privacy” is one category of liberty that does receive special constitutional protection.¹⁸ Smokers’ rights proponents latch onto this fundamental right to privacy, arguing that smoking is a private choice about which the government should have no say. However, the U.S. Supreme Court has held only that the fundamental right to privacy relates to an individual’s decisions about reproduction and family relationships. Activities that are specially protected under the fundamental right to privacy include marriage, procreation, abortion, contraception, and the raising and educating of children.¹⁹ The fundamental right to privacy does not include smoking. In the words of one court, “There is no more a fundamental right to smoke cigarettes than there is to shoot up or snort heroin or cocaine or run a red-light.”²⁰

It is worth noting that in addition to the U.S. Constitution, most state constitutions include a fundamental right to privacy. In some state constitutions, the fundamental right to privacy is



broader than that in the U.S. Constitution.²¹ However, a thorough search of case law reveals no current court decision holding that smoking falls within a state constitution's fundamental right to privacy.

In fact, several courts have specifically ruled that smoking does not fall under a federal and/or state constitutional right to privacy—even where smoking in private is concerned. For example, in a 1987 Oklahoma case, a federal appellate court considered an Oklahoma City fire department regulation requiring trainees to refrain from cigarette smoking at all times.²² The lawsuit arose because a trainee took three puffs from a cigarette during an off-duty lunch break, and he was fired that afternoon for violating the non-smoking rule.²³ The trainee sued, asserting that “although there is no specific constitutional right to smoke, it is implicit [in the Constitution] that he has a right of liberty or privacy in the conduct of his private life, a right to be let alone, which includes the right to smoke.”²⁴ The court disagreed and distinguished smoking from the specially protected constitutional privacy rights.²⁵ Since smoking is not a fundamental privacy right, the court ruled that the regulation could remain on the books since it was rationally related to the legitimate government goal of maintaining a healthy firefighting force.

Similarly, in 1995, a Florida court considered a North Miami city regulation requiring applicants for municipal jobs to certify in writing that they had not used tobacco in the preceding year.²⁶ The regulation was challenged in court by an applicant for a clerk-typist position who was removed from the pool of candidates because she was a smoker.²⁷ She claimed that the regulation violated her right to privacy under the federal and state constitutions.²⁸ The court found that “the ‘right to smoke’ is not included within the penumbra of fundamental rights” specially protected by the U.S. Constitution.²⁹ The court also found that, although the fundamental right to privacy in the Florida constitution covers more activities than the fundamental right to privacy in the U.S. Constitution, a job applicant's smoking habits are not among the activities specially protected by the state constitution's privacy provision.³⁰ The court ultimately upheld the city regulation because it was rationally related to the legitimate government goal of reducing health insurance costs and increasing productivity.

In a 2002 Ohio case involving custody and visitation

of an eight-year-old girl, the court banned the girl's parents from smoking in her presence.³¹ The court listed pages of evidence about the harms of secondhand smoke, citing hundreds of articles and reports. The court proceeded to hold that smoking is not a specially protected constitutional right and that the fundamental right to privacy “does not include the right to inflict health-destructive secondhand smoke upon other persons, especially children who have no choice in the matter.”³²

Smokers Are Not a Specially Protected Category of People Under the Equal Protection Clause

The second constitutional claim frequently made by proponents of smokers' rights is that smoke-free laws discriminate against smokers as a group in violation of the Equal Protection Clause of the Constitution. No court has been persuaded by this claim.

The Equal Protection Clause guarantees that people are entitled to “equal protection of the laws.”³³ The U.S. Supreme Court has interpreted this to mean that the government cannot pass laws that treat one category of people differently from another category of people without an adequate justification. So, for example, a smoker might bring a lawsuit if he believes that a smoke-free workplace law violates the Equal Protection Clause because the law discriminates against smokers and in favor of nonsmokers without an adequate justification.

In most instances, courts require that a discriminatory law be “rationally related” to a “legitimate” government goal.³⁴ This requirement is very easy for the government to meet, since a discriminatory law will be upheld so long as it is not totally irrational or arbitrary.

In a certain set of cases, however, a court will apply a much stricter requirement. This happens when a law discriminates against a category of people that is entitled to special protection. The Equal Protection Clause gives special protection to very few categories of people. In fact, it only extends special protection to groups based on race, national origin, ethnicity, gender, and (historically) illegitimacy.³⁵ The groups that receive special protection share “an immutable characteristic determined solely by the accident of birth.”³⁶ Because of this special protection, a law is

likely to violate the Constitution if it discriminates against a category of people based on race, national origin, ethnicity, gender, or illegitimacy.³⁷

Some people argue that smokers make up a category that deserves special protection against discriminatory laws that restrict their ability to smoke at a time and place of their choosing. However, smokers are not a specially protected group under the Constitution. Smoking is not an “immutable characteristic” because people are not born smokers and smoking, while addictive, is still a behavior that people can stop. Since smokers are not a specially protected group, a smoke-free law that “discriminates” against smokers will not violate the Equal Protection Clause so long as the law is rationally related to a legitimate government goal.³⁸

Most state constitutions contain an equal protection clause that mirrors the Equal Protection Clause of the U.S. Constitution. Therefore, smokers’ rights proponents who challenge a “discriminatory law” limiting smoking also are unlikely to convince a court that smokers deserve special protection under a state equal protection clause.

A 2004 New York case illustrates how courts react negatively to smokers’ claims that they are a specially protected group under the Equal Protection Clause.³⁹ New York City and New York State enacted laws prohibiting smoking in most indoor places in order to protect citizens from the well-documented harmful effects of secondhand smoke. The challenger argued that the smoking bans violated the Equal Protection Clause because they cast smokers as “social lepers by, in effect, classifying smokers as second class

citizens.”⁴⁰ The court responded that “the mere fact that the smoking bans single out and place burdens on smokers as a group does not, by itself, offend the Equal Protection Clause because there is no . . . basis upon which to grant smokers the status of [a specially protected group].”⁴¹ The court upheld the city and state smoking bans since they were rationally related to the legitimate government goal of protecting the public health.

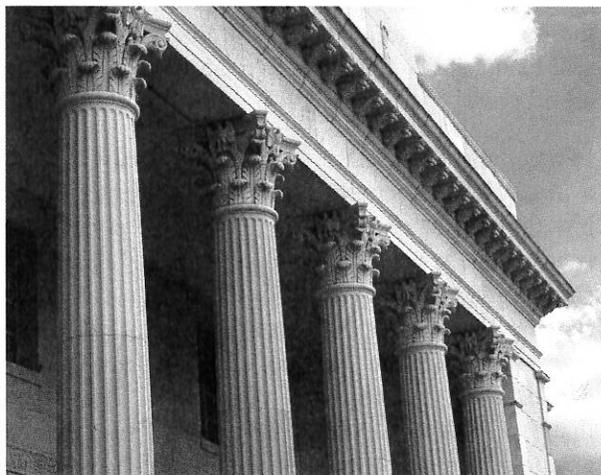
In a 1986 Wisconsin case, a court considered an equal protection challenge to the newly-enacted state Clean Indoor Air Act.⁴² The Clean Indoor Air Act prohibited smoking in government buildings with the exception of designated smoking areas. A government employee sued, arguing that it would violate the Equal Protection Clause for his employer to discipline him and his fellow smokers for smoking on the job. Since smokers are not a specially protected category, the court noted that “any reasonable basis for [distinguishing smokers from nonsmokers] will validate the statute. Equal protection of the law is denied only where the legislature has made irrational or arbitrary [distinctions].”⁴³ The court upheld the Clean Indoor Air Act, finding it was rationally related to the legitimate government goals of minimizing the health and safety risks of smoking.

* * *

Smokers are not specially protected by the Constitution. A law that restricts smoking will not violate the Constitution so long as it is rationally related to a legitimate government goal. Courts are likely to uphold most smoke-free laws against due process and equal protection challenges, as long as these laws are enacted to further the legitimate government goal of protecting the public health by minimizing the dangers of tobacco smoke.

Section II — Laws Cannot Grant an Irrevocable Right to Smoke

The objective of this law synopsis is to clarify that there is no such thing as a constitutional right to smoke. The Constitution does not stand in the way of state or local laws limiting the ability of citizens to light up at a time and place of their choosing.



The Constitution, however, is not the end of the story. Certain laws can create barriers to the enactment of new smoke-free legislation. At least two types of state laws can impede a comprehensive smoke-free agenda. These laws afford a limited right to smoke under certain circumstances unless and until the laws are amended or repealed.

Preemption

Often, the greatest barrier to a smoke-free agenda is a state law that preempts local governments in the state from passing legislation that goes farther than the state in restricting smoking. The tobacco industry has lobbied hard for state preemption of local smoke-free laws because it is much easier for the tobacco industry to wield influence with state legislatures than with locally elected officials.⁴⁴ Such preemptive state laws can be and frequently are loophole-ridden or otherwise ineffective at protecting the public from exposure to secondhand smoke.⁴⁵

Currently, thirty-one states have laws that either totally or partially preempt local smoke-free legislation.⁴⁶ In those states, there is no constitutional right to smoke. However, unless and until the preemptive state laws are amended or repealed, local governments in those states cannot pass laws that go beyond the state smoke-free laws.⁴⁷ Advocates who want to push local smoke-free legislation in those states must first work to get rid of state preemption.

“Smoker Protection Laws”

In approximately thirty states, so-called “smoker protection laws” are a small barrier to a smoke-free agenda. Smoker protection laws prohibit employers from making employment decisions, such as hiring and firing, based on off-duty conduct that is legal, such as using tobacco during non-work hours and away from the job site.⁴⁸ Some smoker protection laws are specific to tobacco use, while others apply to all legal off-duty conduct.⁴⁹ Smoker protection laws are enacted to thwart the types of policies adopted by the Oklahoma City fire department and North Miami city (discussed in Section I) that forbid certain employees from smoking at any time.

Smoker protection laws are not as protective as they

sound. They do not create a right to smoke. Nor do they give people license to smoke anywhere at anytime. Instead, they merely assure some smokers that their employers will not consider their off-duty tobacco use when making employment decisions.

If advocates in states with smoker protection laws want to promote policies similar to those adopted by the Oklahoma City fire department and North Miami city, they must find an existing exception in the smoker protection law⁵⁰ or must lobby to amend or repeal the smoker protection law.⁵¹

* * *

Some states have laws that act as roadblocks to effective smoke-free legislation. However, advocates can work to amend or repeal those laws with confidence that their opponents cannot argue successfully that the advocates are trying to trample on a specially protected right to smoke.

Conclusion

The so-called “right to smoke” is actually a smokescreen. There is no constitutional right to smoke. Therefore, advocates are free to seek enactment of new smoke-free laws or the amendment or repeal of existing laws that harm the public health despite claims by their opponents invoking a right to smoke. So long as proposed smoke-free legislation is rationally related to a legitimate government goal, the Constitution will not stand in the way of its passage. Courts are quick to find that smoke-free legislation is rationally related to a legitimate government goal, since they have long held that protecting the public’s health is one of the most essential functions of government.⁵²

About the Author

Samantha K. Graff is a Staff Attorney at Public Health Law & Policy (PHLP), a project of the Public Health Institute in Oakland, California. This synopsis is based on a shorter document written on the same topic for a California audience by Edward Bolen, a former PHLP Staff Attorney. The author would like to thank her colleagues at PHLP for their valuable input on this law synopsis.

Endnotes

- ¹ See U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *The Health Consequences of Smoking: A Report of the Surgeon General—Executive Summary* 13, available at <http://www.cdc.gov/tobacco/data_statistics/sgr/sgr_2004/00_pdfs/executivesummary.pdf> (last visited Feb. 18, 2008).
- ² See U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Annual Smoking – Attributable Mortality, Years of Potential Life Lost, and Productivity Losses – United States 1997-2001*, Morbidity And Mortality Weekly Report, 54(25), at 625-628 (2005), available at <<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5425a1.htm>> (last visited Feb. 18, 2008).
- ³ See *The Health Consequences of Smoking*, *supra* note 1, at 8.
- ⁴ See U.S. Department of Health and Human Servs., *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General—Executive Summary*, at i (2006), available at <<http://www.surgeongeneral.gov/library/secondhandsmoke/report/executivesummary.pdf>> (last visited Feb. 18, 2008).
- ⁵ As of January 2, 2008, 685 municipalities, 35 states, and the District of Columbia had enacted laws requiring 100 percent smoke-free workplaces and/or restaurants and/or bars. See American Nonsmokers' Rights Foundation, *Overview List – How Many Smokefree Laws?*, available at <<http://www.no-smoke.org/pdf/mediaordlist.pdf>> (last visited Feb. 18, 2008).
- ⁶ As of January 2, 2008, a total of 2,671 municipalities had local laws in effect that restrict where smoking is allowed. Note that this figure includes the 685 municipalities that have passed laws requiring 100 percent smokefree workplaces and/or restaurants and/or bars. See American Nonsmokers' Rights Foundation, *Overview List – How Many Smokefree Laws?*, available at <<http://www.no-smoke.org/pdf/mediaordlist.pdf>> (last visited Feb. 18, 2008).
- ⁷ For examples of two such policies, see *Grusendorf v. City of Oklahoma City*, 816 F.2d 539 (10th Cir. 1987) and *City of North Miami v. Kurtz*, 653 So.2d 1025 (Fla. 1995) (discussed in Section I).
- ⁸ This Synopsis focuses on the U.S. Constitution. As discussed in Section I, a very similar analysis applies to state constitutions.
- ⁹ See U.S. CONST. amend. I.
- ¹⁰ See *id.*
- ¹¹ See U.S. CONST. amends. V, XIV.
- ¹² See U.S. CONST. amend. XIV.
- ¹³ See U.S. CONST. amends. V, XIV.
- ¹⁴ See U.S. CONST. amend. XIV.
- ¹⁵ See U.S. CONST. amends. V, XIV.
- ¹⁶ See John E. Nowak & Ronald D. Rotunda, *CONSTITUTIONAL LAW* 453 (7th ed. 2004).
- ¹⁷ See *id.*
- ¹⁸ See *Griswold v. Connecticut*, 381 U.S. 479, 485-86 (1964).
- ¹⁹ See, e.g., *id.* at 485-86 (recognizing the right of married couples to use contraceptives); *Meyers v. Nebraska*, 262 U.S. 390 (1923) (recognizing the right of parents to educate children as they see fit); and *Moore v. East Cleveland*, 431 U.S. 494 (1977) (protecting the sanctity of family relationships).
- ²⁰ *Fagan v. Axelrod*, 550 N.Y.S.2d 552, 559 (1990) (internal citations omitted).
- ²¹ See, e.g., *San Juan-Torregosa v. Garcia*, 80 S.W.3d 539 (Tenn. Ct. App. 2002) (“[T]he citizens of our state are afforded a greater right of privacy by the Tennessee Constitution than that provided in the Federal Constitution....”); *City of North Miami v. Kurtz*, 653 So.2d 1025 (Fla. 1995) (discussed below).
- ²² *Grusendorf v. City of Oklahoma City*, 816 F.2d 539 (10th Cir. 1987).
- ²³ See *id.* at 540.
- ²⁴ *Id.* at 541.
- ²⁵ See *id.* at 542. The court relied heavily on the U.S. Supreme Court decision in *Kelley v. Johnson*, 425 U.S. 238 (1976), in which the Court upheld a regulation regarding the style and length of hair, sideburns, and mustaches of male police officers.
- ²⁶ See *City of North Miami v. Kurtz*, 653 So.2d 1025 (Fla. 1995).
- ²⁷ See *id.* at 1026.
- ²⁸ See *id.*
- ²⁹ *Id.* at 1028.
- ³⁰ See *id.*
- ³¹ See *In re Julie Anne*, 780 N.E.2d 635, 659 (Ohio Com. Pl. 2002).
- ³² *Id.* at 656.
- ³³ U.S. CONST. amend. XIV.
- ³⁴ See John E. Nowak & Ronald D. Rotunda, *CONSTITUTIONAL LAW* 453 (7th ed. 2004).

- 35 See, e.g., *Brown v. Board of Education*, 347 U.S. 483 (1954) (addressing race); *Sugarman v. Dougall*, 413 U.S. 634 (1973) (addressing national origin); *Craig v. Boran*, 429 U.S. 190 (1976) (addressing gender). These groups share “an immutable characteristic determined solely by the accident of birth,” *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973), and often, a “history of purposeful unequal treatment” by the government. *Massachusetts Board of Retirement v. Murgia*, 427 U.S. 307, 313 (1976). Note that some groups that arguably are defined by an immutable characteristic and a history of purposeful unequal treatment do not receive special protection under the U.S. Constitution. For example, groups based upon age and mental disability do not receive any special protections. See, e.g., *Kimel v. Florida Bd. of Regents*, 528 U.S. 62 (2000) (addressing age); *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432 (1985) (addressing mental disability).
- 36 *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973).
- 37 The Equal Protection Clause not only protects certain groups of people but also protects certain rights that inherently require equal treatment. Smoking is not one of these recognized rights. The rights specially protected by the Equal Protection Clause include the right to vote, the right to be a political candidate, the right to have access to the courts for certain kinds of proceedings, and the right to travel interstate. See, e.g., *Baker v. Carr*, 369 U.S. 186 (1962) (holding that improper congressional redistricting violates voters’ equal protection rights); *Turner v. Fouche*, 396 U.S. 346 (1970) (holding that all persons have a constitutional right to be considered for public service); *Shapiro v. Thompson*, 394 U.S. 618 (1969) (striking down a residency requirement for the receipt of state benefits as an equal protection violation).
- 38 Note that nonsmokers also are not recognized as a specially protected category of people, so equal protection claims brought by nonsmokers who are exposed to smoke in a place where smoking is permitted by law are unlikely to succeed if there is a rational basis for the law.
- 39 *NYC C.L.A.S.H., Inc. v. New York*, 315 F. Supp. 2d 461 (S.D.N.Y. 2004).
- 40 *Id.* at 480, 482.
- 41 *Id.* at 492.
- 42 See *Rossie v. State Dep’t of Revenue*, 133 Wis. 2d 341 (1986).
- 43 *Id.* at 353.
- 44 See Robin Hobart, *Preemption: Taking the Local out of Tobacco Control*, American Medical Association (2003) available at <<http://www.rwjf.org/newsroom/SLSPreemption2003.pdf>> (last visited Feb. 18, 2008).
- 45 See *id.*
- 46 See the Americans for Nonsmokers’ Rights website, <<http://www.no-smoke.org/>>; see also American Lung Association, *State Legislative Actions on Tobacco Issues—Summary Reports: Preemptive State Tobacco Control Laws and Affected Provisions (2005)*, available at <<http://slati.lungusa.org/appendix.asp>> (last visited Feb. 18, 2008).
- 47 See the Americans for Nonsmokers’ Rights website, <<http://www.no-smoke.org/>>; see also *Preemption*, *supra* note 44.
- 48 For a list of states with “smoker protection laws,” see the American Lung Association’s website, available at <<http://slati.lungusa.org/appendix.asp>> (last visited Feb. 18, 2008).
- 49 See, e.g., MISS. CODE ANN. § 71-7-33 (Thompson/West 2007) (making it “unlawful for any public or private employer to require as a condition of employment that any employee or applicant for employment abstain from smoking or using tobacco products during nonworking hours”); COLO. REV. STAT. § 24-34-402.5 (Thompson/West 2007) (making it “an unfair employment practice for an employer to terminate the employment of any employee due to that employee’s engaging in any lawful activity off the premises of the employer during nonworking hours unless such a restriction (a) Relates to a bona fide occupational requirement or is reasonably and rationally related to the employment activities and responsibilities of a particular employee or group of employees, rather than to all employees of the employer; or (b) Is necessary to avoid a conflict of interest with any responsibilities to the employer or the appearance of such a conflict of interest”).
- 50 Many smoker protection laws contain some sort of exception allowing an employer to restrict off-duty smoking if the restriction relates to an essential aspect of the job. See, e.g., COLO. REV. STAT. § 24-34-402.5, *supra* note 49; MO. REV. STAT. § 290.145 (Thompson/West 2007) (making an exception when the off-duty use of tobacco products “interferes with the duties and performance of the employee, his coworkers, or the overall operation of the employer’s business” and exempting “religious organizations and church-operated institutions, and not-for-profit organizations whose principal business is health care promotion”).
- 51 Some smokers argue that policies prohibiting employees from smoking both on and off the job violate the federal Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213 (Thompson/West 2007). According to their rationale, smokers are protected from discrimination under the ADA because they are “disabled.” However, the ADA explicitly states that “[n]othing in this chapter shall be construed to preclude the prohibition of, or the imposition of restrictions on, smoking in places of employment . . . , in transportation . . . , or in places of public accommodation” *Id.* § 12201(b). Moreover, the only published case addressing the issue holds that smoking is not a disability

within the meaning of the ADA. See *Brashear v. Simms*, 138 F. Supp. 2d 693, 694-95 (D. Md. 2001) (“[A]ssuming that the ADA fully applies in this case, common sense compels the conclusion that smoking, whether denominated as ‘nicotine addiction’ or not, is not a ‘disability’ within the meaning of the ADA. Congress could not possibly have intended the absurd result of including smoking within the definition of ‘disability,’ which would render somewhere between 25% and 30% of the American public disabled under federal law because they smoke. In any event, both smoking and ‘nicotine addiction’ are readily remediable If the smokers’ nicotine addiction is thus remediable, neither such addiction nor smoking itself qualifies as a disability within the coverage of the ADA, under well-settled Supreme Court precedent.”)

⁵² See, e.g., *Jacobson v. Massachusetts*, 197 U.S. 11, 25 (1905) (“According to settled principles, the police power of a state must be held to embrace, at least, such reasonable regulations established directly by legislative enactment as will protect the public health and the public safety.”).

About the Tobacco Control Legal Consortium

The Tobacco Control Legal Consortium is a network of legal programs supporting tobacco control policy change throughout the United States. Drawing on the expertise of its collaborating legal centers, the Consortium works to assist communities with urgent legal needs and to increase the legal resources available to the tobacco control movement. The Consortium's coordinating office, located at William Mitchell College of Law in St. Paul, Minnesota, fields requests for legal technical assistance and coordinates the delivery of services by the collaborating legal resource centers. Our legal technical assistance includes help with legislative drafting; legal research, analysis and strategy; training and presentations; preparation of friend-of-the-court legal briefs; and litigation support.



875 Summit Avenue · St. Paul, Minnesota 55105
www.tclconline.org · tobaccolaw@wmitchell.edu · 651.290.7506

Tobacco-Free Park and Recreation Areas Promote Health!



Parks are for everyone, right?

Parks are built to promote healthy activities and improve the quality of life for community members. Tobacco-free policies promote good health.

Tobacco-free environments show a community's support for the health, safety and welfare of community members.

Tobacco-free policies help establish a community norm that says tobacco use is not an acceptable behavior for young people or adults. When children see adults smoking in a family place like a park, they think smoking is acceptable and are more likely to copy the behavior.

Tobacco-free policies help reduce litter.

Cigarette filters aren't biodegradable – they'll stay around for a long time unless picked up.

What's the big fuss about?

Cigarette litter is dangerous. Discarded cigarettes pollute land and water. Worse, yet, cigarette butts can be eaten by children, pets and wildlife. Ingesting cigarettes is hazardous!

Secondhand smoke harms everyone. The 2006 Surgeon General's Report on secondhand smoke concluded that secondhand smoke is a human cancer causing agent. The U.S. Environmental Protection Agency states that there is no safe level of secondhand smoke.

Secondhand smoke is harmful in outdoor settings, too.

Studies show that secondhand smoke levels in outdoor public places can reach levels as high as those found in indoor spaces where smoking is permitted.



What can we do about it?

Local governments can enact policies to restrict tobacco use.

Neither federal nor state law prohibits local governments (cities, counties, etc.) from regulating tobacco use outdoors.

A local government can pass a policy or an ordinance to restrict tobacco use in parks and recreation areas. Park policies cover city or county-owned parks. They are established by local park boards and are often approved by city councils or county boards. People who violate a policy can be asked to stop the behavior or leave the premises.

An ordinance is a local law, generally passed by a legislative body (city council) and signed by a city executive (mayor), and then enforced by local police and district attorneys. Violating an ordinance can result in a fine.

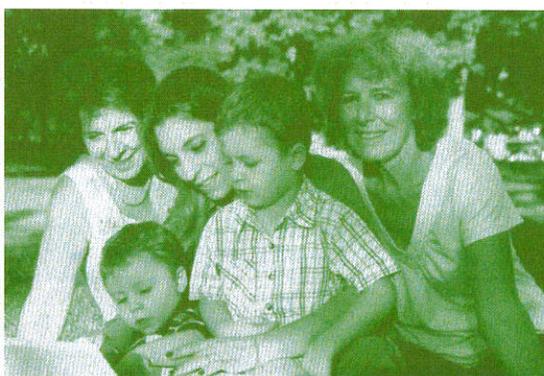
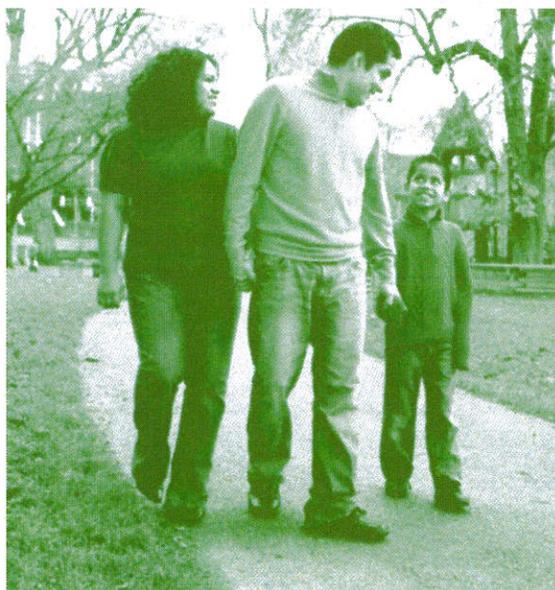
Won't policies and laws keep people from using parks?

Tobacco-free policies for parks and other recreation areas ensure that all citizens have a healthy place to relax and play.

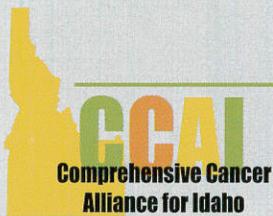
Smokers already work, eat, shop and live in smoke-free environments. It seems logical to include parks and other recreation areas as well. Surveys conducted in many communities across the U.S. show that the majority of citizens support tobacco-free parks.

Tobacco-free policies are similar to ones that prohibit alcohol use, littering and pets off leash.

Each one of these policies are established to protect the health and safety of all citizens.



Central District Health Department
707 North Armstrong Place
Boise, ID 83704-0825
208-375-5211
FAX: 208-327-8610
www.cdhd.idaho.gov



FACTS ABOUT

Cancer and Tobacco

in Idaho

Tobacco use is the single most important risk factor for cancer incidence and mortality.¹

Cancer is the leading cause of death in Idaho and lung cancer is the leading cause of cancer-related death for both men and women.² Cigarette smoking increases the risk for many types of cancer.³

Idaho by the Numbers

Prevalence

- The 2009 adult smoking rate was 16.3%. 18.7% of males and 13.9% of females were smokers.⁴
- 2009 teen smoking rate is 14.5% with 14.1% males and 14.8% females.⁵
- 1,200 youth under 18 years become new daily smokers each year.⁵

Costs

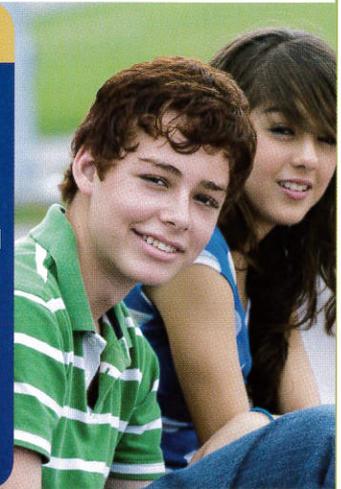
- Annual healthcare cost in Idaho directly caused by smoking is \$319 million.⁶
- Residents' state and federal tax burden from smoking is \$539 per household per year.⁶

Survivorship

- From 2000-2007, the 5-year survival rate for lung cancer was 14.5%.¹

Prevention

- Of the 16.3% of adults who smoke in Idaho, 53.2% have attempted to quit.⁴
- 21,633 Idahoans used the QuitLine and the QuitNet in 2009 to stop smoking. (Project Filter internal data)



Cancer-causing agents (carcinogens) in tobacco smoke damage genes that control the growth of cells, causing them to grow abnormally or to reproduce too rapidly.⁷

Incidence of Tobacco-Related Cancers by Health District (2007)¹

Cancer	HD1	HD2	HD3	HD4	HD5	HD6	HD7	Totals
Bladder	74	32	40	56	30	19	34	285
Cervix	4	1	8	14	5	1	2	35
Colorectal	108	55	108	153	70	63	47	604
Esophagus	15	1	12	18	13	10	3	72
Kidney	36	19	38	56	25	20	21	215
Larynx	8	3	7	12	9	2	7	48
Lung	147	72	138	210	104	59	64	794
Oral Cavity/ Pharynx	32	11	25	43	21	15	16	163
Pancreas	26	16	26	37	34	14	14	167
Total by HD	450	210	402	599	311	203	208	2,383

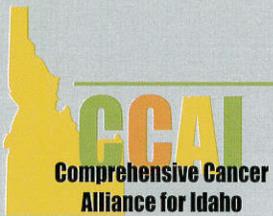
To see which counties fall in each Health District see the back side of this sheet.

Morbidity & Mortality

Tobacco use is the leading preventable cause of disease and premature death in the U.S., resulting in an estimated 438,000 (1 in 5) premature deaths annually.⁸

Approximately:

- 2.4 million cases of tobacco-related cancer were diagnosed during 1999-2004 in the U.S.⁸
- 30% of cancer deaths, including 87% of all lung cancer deaths, are attributable to tobacco use.⁸
- 1,500 Idahoans die each year from smoking.⁶
- 5,805 people died from lung cancer from 2000-2009. Of these, 3,247 were male and 2,558 were female.²



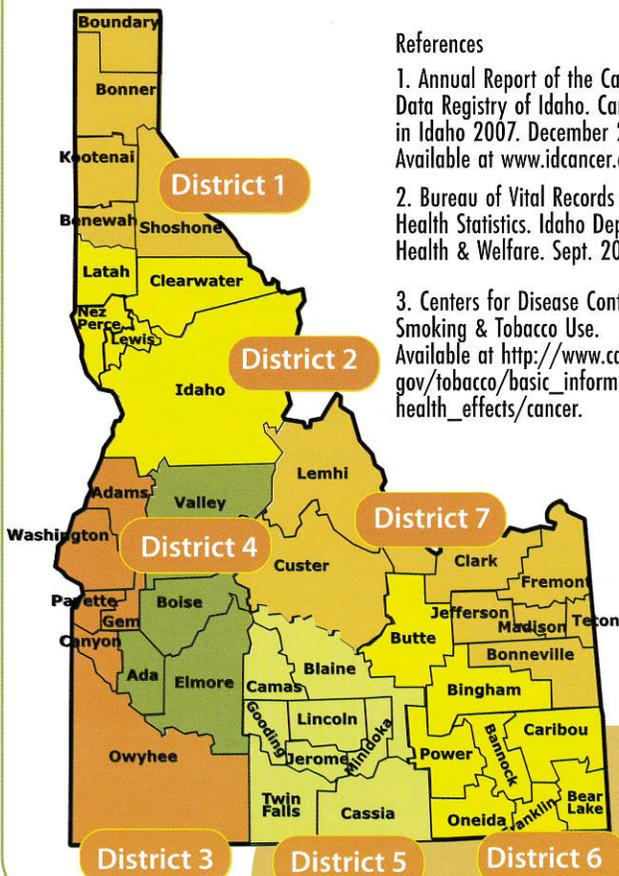
Cancer and Tobacco in Idaho

Tobacco-Related Cancers

Cancer Site	Evidence
Bladder	Tobacco consumption has been associated with a 2 to 5 fold higher incidence of bladder cancer. ¹
Cervix	Exposure to cigarette smoke is a known risk factor for cervical cancer. ¹
Colorectal	Cigarette smoking is significantly associated with colorectal cancer incidence and mortality. ¹
Esophagus	Reductions in smoking and smokeless tobacco use could prevent many of the new cases and deaths from esophageal cancer occurring annually. ⁷
Kidney	Smokers are at twice the risk of developing kidney cancer as non-smokers. ¹
Larynx	The combination of alcohol and tobacco use increases the risk of laryngeal cancer. ¹
Lung	Lung cancer is the leading cause of cancer death, and cigarette smoking causes most cases. ⁷
Oral Cavity/ Pharynx	Reductions in the number of people who use tobacco products could prevent most of the new cases and deaths from oral cavity and pharynx cancers annually. ⁷
Pancreas	Pancreatic cancer is more common among smokers than non-smokers. ¹

References

1. Annual Report of the Cancer Data Registry of Idaho. Cancer in Idaho 2007. December 2009. Available at www.idcancer.org.
2. Bureau of Vital Records and Health Statistics. Idaho Dept. of Health & Welfare. Sept. 2010.
3. Centers for Disease Control. Smoking & Tobacco Use. Available at http://www.cdc.gov/tobacco/basic_information/health_effects/cancer.
4. Behavioral Risk Factor Surveillance System. Results from the 2009 BRFSS. Idaho Behavioral Risk Factors.
5. Youth Risk Behavior Survey. 2009.
6. Toll of Tobacco in Idaho. Campaign for Tobacco Free Kids. Available at <http://www.tobaccofreekids.org/reports/settlements/toll.php?StateID=ID>.
7. The Health Consequences of Smoking: A Report of the Surgeon General. May 27, 2004.
8. Centers for Disease Control MMWR. Sept. 5, 2008. Surveillance for Cancers Associated with Tobacco Use. U.S. 1999-2004.



Goals of CCAI

Join us in the efforts to:

- Decrease the incidence of preventable cancers
- Decrease preventable cancer deaths
- Improve the quality of life for people in Idaho affected by cancer

Call to Action

You are invited to:

- Support evidence-based policy and legislative solutions designed to eliminate tobacco as a major health problem
- Adopt the appropriate tobacco-related goals, objectives, and strategies from the Idaho Comprehensive Cancer Strategic Plan and Tobacco Free Idaho Alliance (TFIA) Strategic Plan as priorities for your organization
- Become a champion for effective tobacco prevention and cessation programs, which support tobacco-free lifestyles
- Refer friends, family, coworkers, and employees to cessation programs and services
- Join CCAI and the TFIA and work toward a tobacco-free and healthier Idaho

Information & Resources

Comprehensive Cancer Alliance for Idaho

www.ccaidaho.org
ccai@teamiha.org

Cancer Data Registry of Idaho

www.idcancer.org

Idaho Comprehensive Cancer Control Program

208-332-7344

Tobacco Cessation Resources

1-800-Quit Now
www.idaho.quitnet.com



IDAHO DEPARTMENT OF
HEALTH & WELFARE



Is Secondhand Smoke Safe to Breathe Outdoors?

Introduction

Knowledge about the dangerous chemicals contained in secondhand smoke, along with their deadly consequences for smokers, has been well established for decades. We also know that the secondhand smoke breathed in by non-smokers from the burning end of a lit tobacco product or exhaled from a smoker's lungs contains essentially the same dangerous chemicals and is therefore also very unhealthy to breathe.

The volume of scientific evidence showing that secondhand smoke causes serious illness and death in adults and children has grown to a level where in 2006, the U.S. Surgeon General called it *massive, conclusive and indisputable*. As a result, more and more people in the United States (and throughout the world) are taking action to eliminate people's exposure to secondhand smoke, in order to protect everyone's health. Most of these actions have been through the elimination of indoor smoking in homes, cars, worksites and other public places. To a lesser degree, smoking restrictions are being adopted for outdoor settings.

Background

What does the scientific evidence say about breathing secondhand smoke outdoors? While the amount of research conducted on secondhand smoke in outdoor settings is not as vast as that completed in indoor environments, the research findings are showing similarities.

The California Air Resources Board⁽¹⁾ measured secondhand smoke concentrations in a variety of outdoor locations at *airports, colleges, government centers, office complexes and amusement parks*. They found that when smoking occurs in these settings, people could be exposed to levels of secondhand smoke that is comparable to indoor concentrations where smoking is permitted. In another study⁽²⁾, where measurements were conducted when active smoking was taking place at outdoor *patios, sidewalks and parks*, similar results were observed. One of the researchers stated that this type of outdoor tobacco exposure should not be dismissed as trivial.

Measuring Secondhand Smoke

A common measure of air quality in detecting secondhand smoke pollution is *particulate matter* (PM). **PM 2.5** is air particles that have a diameter of smaller than 2.5 microns. Particulates of this size are easily inhaled deep into the lungs. The U.S. Environmental Protection Agency (EPA) has set air quality index levels and corresponding health advisory descriptors, based upon PM 2.5 measurements.

PM 2.5 AQI Break Points (microns/cubic meter)	Air Quality Index (AQI)	Health Advisory Descriptor
0.0 – 15.4	0-50	Good
15.5 – 40.4	51-100	Moderate
40.5 – 65.4	101-150	Unhealthy for Sensitive Groups
65.5 – 150.4	151-200	Unhealthy for Everyone
150.5 – 250.4	201-300	Very Unhealthy
250.5 – 350.4	301-400	Hazardous
350.5 – 500.4	401-500	Very Hazardous

A Canadian study⁽³⁾ measured secondhand smoke levels on outdoor *hospitality patios (restaurants/bars)*. Measurements were taken at three different locations, with some variation

in dimensions and structure. The most significant difference was the number of smoking customers. The location with the greatest number of smokers resulted in average PM 2.5 levels of 102 (unhealthy for sensitive groups) and peak levels of 660 (very hazardous+).

A study conducted at one of the University of Maryland campuses⁽⁴⁾ measured the distance from the source of secondhand smoke in which PM 2.5 can be detected. Previous studies found that odor *detection* can occur at 1 micron/cubic meter and *irritation* begins at 4 microns/cubic meter. In this study, odor was detectable at 7 meters (23 feet) from the source and irritation levels began at 4 meters (13 feet). The study also found that anyone positioned downwind from an outdoor source of secondhand smoke is going to be exposed to secondhand smoke, even at significant distances from the source. People who are positioned upwind should be at least 25 feet from any outdoor source, in order to minimize the risk of breathing the unhealthy chemicals found in secondhand smoke.

Conclusions

These studies should begin to dispel the common misperception that outdoor secondhand smoke immediately dissipates into the air and, therefore does not pose a health risk. The dangerous composition of chemicals in smoke is essentially the same – indoors or outdoors. If a person smells secondhand smoke in any setting, they are breathing it into their lungs. The risk of secondhand smoke exposure outdoors appears to be related to both dosage and proximity to the source: a person in close proximity to the source of the secondhand smoke or a person in an area with a high concentration of secondhand smoke would be most likely to be at risk in outdoor settings.

Action Steps

We are beginning to see more policies established to protect people from secondhand smoke exposure in outdoor settings, as has occurred previously at indoor settings. Restrictions are beginning to be placed on smoking in such places as:

- Parks
- Trails
- Playgrounds
- Beaches
- Zoos
- Patios
- Building Entrances
- Ball Fields
- Skate Parks
- Bus Stops
- Street Dances
- Festivals
- Amusement Parks
- Fair Grounds
- Water Parks
- Stadiums
- Rodeo Arenas
- Picnic Shelters

By eliminating smoking at these types of outdoor settings, people are receiving protection from the health consequences of secondhand smoke exposure, just as they have come to expect to receive this type of protection indoors.

References

- (1) CARB. (2003). "Technical Support Document for the Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant: Part A," Technical Report. California Environmental Protection Agency, California Air Resources Board, Office of Environmental Health Hazard Assessment, Chapter 5, pp. V6-V19.
- (2) Klepeis NE, Ott WR, Switzer P. (May 2007). "Real-Time Measurements of Outdoor Tobacco Smoke Particles." Journal of Air & Waste Management Association. Vol. 57.
- (3) Kennedy RD, Sendzik T., Elton-Marshall T., Hammond D., Fong G. (2006). "Tobacco Smoke Pollution in Outdoor Hospitality Settings." University of Waterloo, Canada. Presented at the 13th World Conference on Tobacco OR Health 2006.
- (4) Repace, J. (2005). "Measurements of Outdoor Air Pollution from Secondhand Smoke on the UMBC Campus." www.repace.com



City-Owned Outdoor Recreational Facilities *Model Tobacco-Free Policy*

Section 1: Rationale

WHEREAS, the City believes that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the City has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on City-owned outdoor recreational facilities; and

WHEREAS, the City believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, the tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestion; and

WHEREAS, the City Park & Recreation Board determines that the prohibition of tobacco use at the City's recreational facilities serves to protect the health, safety and welfare of the citizens of our City.

THEREFORE, be it resolved that tobacco use is prohibited in outdoor recreational facilities. No person shall use any form of tobacco at or on any City-owned or operated outdoor recreational facilities, including the restrooms, spectator and concession areas. These facilities include [insert specific facilities here, e.g. playgrounds, athletic fields, beaches, aquatic areas, parks, and walking/hiking trails].

Section 2: Enforcement

1. Appropriate signs shall be posted in the above specified areas.
2. The community, especially facility users and staff, will be notified about this policy.
3. Staff will make periodic observations of recreational facilities to monitor for compliance.
4. Any person found violating this policy may be subject to immediate ejection from the recreation facility for the remainder of the event.

Section 3: Effective Date

This policy statement is effective immediately upon the date of adoption, which is _____, 20__.

Appropriate City Official

Date

Enforcing and Publicizing Your Tobacco-Free Park Policy

A well-publicized policy informs park users about the reasons why the policy has been adopted and helps enforce the policy by reducing violations.

1. Post Signs

can be provided

The most important way to publicize your tobacco-free policy is by posting signs.

If you have not done so already, contact Central District Health Dept. to order your FREE metal tobacco-free signs.



The following locations are suggested places for posting your tobacco-free signs:

- Fencing around playgrounds and fields
- Backstops
- Picnic shelters
- Restrooms
- Concession stands
- Parking lot entrances
- Lifeguard stands
- Hiking trail entrances

3. Ask for Assistance!

- Central District Health Department
707 N Armstrong Place
Boise ID 83704-0825
(208) 375-5211
FAX: (208) 327-8610
www.cdhd.idaho.gov

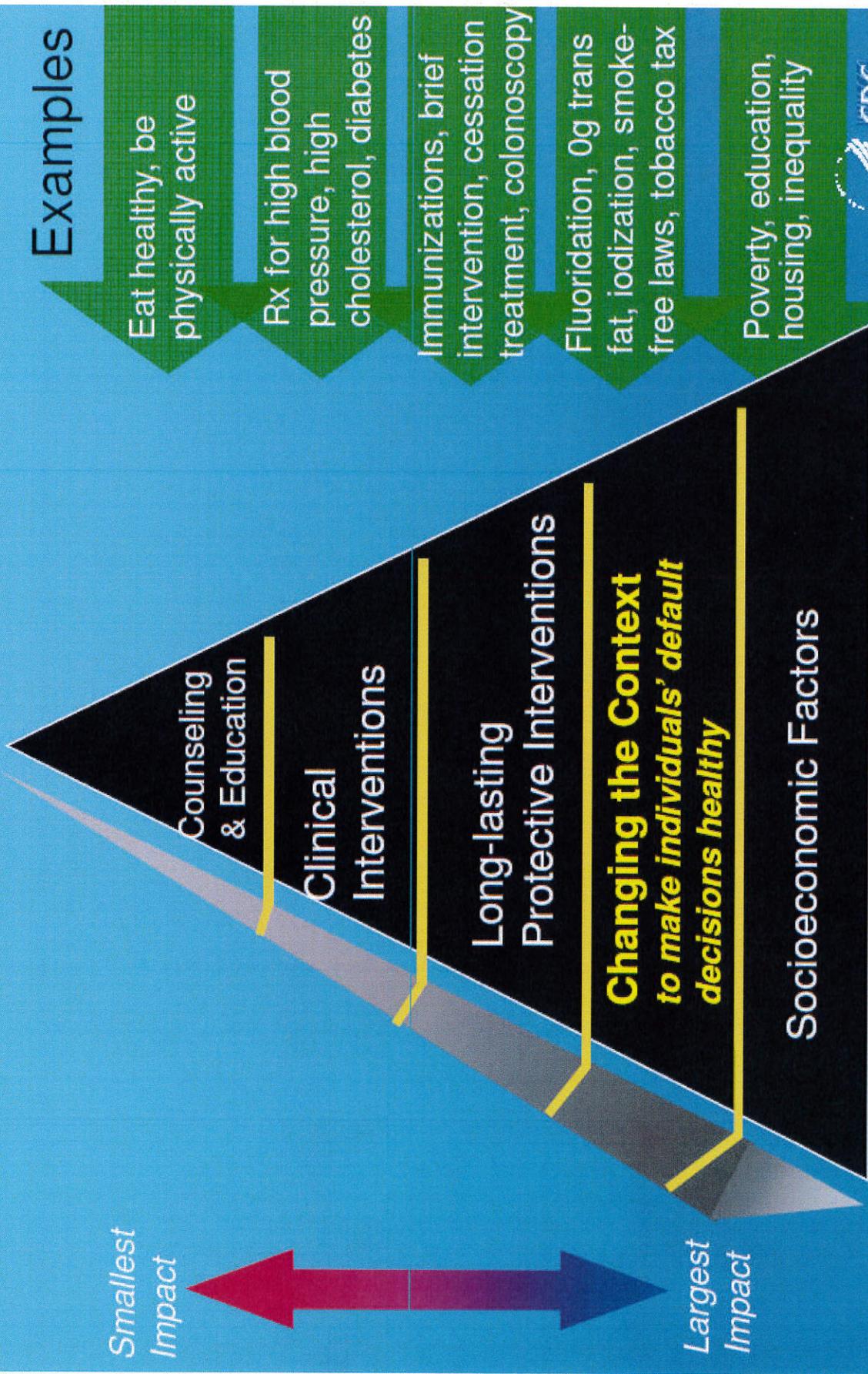
2. Let Community Members Know About the Policy

In addition to posting signs, park and recreation staff has used a variety of means to educate citizens about their tobacco-free policies:

- Staff notification of the new policy and setting procedures for handling violations.
- Bookmarks or small notification cards explaining the policy distributed by park staff or community members to park users.
- Articles in a local or regional newspaper, as the result of a news release or reporters' coverage of city council meetings.
- Park and recreation department and city newsletters.
- Recreation program brochures, catalogs, and announcements.
- Rulebooks or policy statements that are distributed to sports league administrators, coaches, officials, parents, and participants.
- Other fact sheets or educational articles about tobacco and secondhand smoke distributed at coaches' meetings, in mailings, or through newsletters.
- Postings on the recreation department's or city's website.
- Public address announcements at recreation events. Or public service announcements on local radio stations or public access cable channels.
- Kick-off celebration or community event with tobacco-free pledges, activities, etc. Potential dates for this event:
Spring – Kick butts Day; May 31 – World No Tobacco Day; Thursday prior to Thanksgiving-Great American Smoke Out.

Please note: computer artwork files are available from CDHD for the tobacco-free sign image.

Factors that Affect Health



Examples

Eat healthy, be physically active

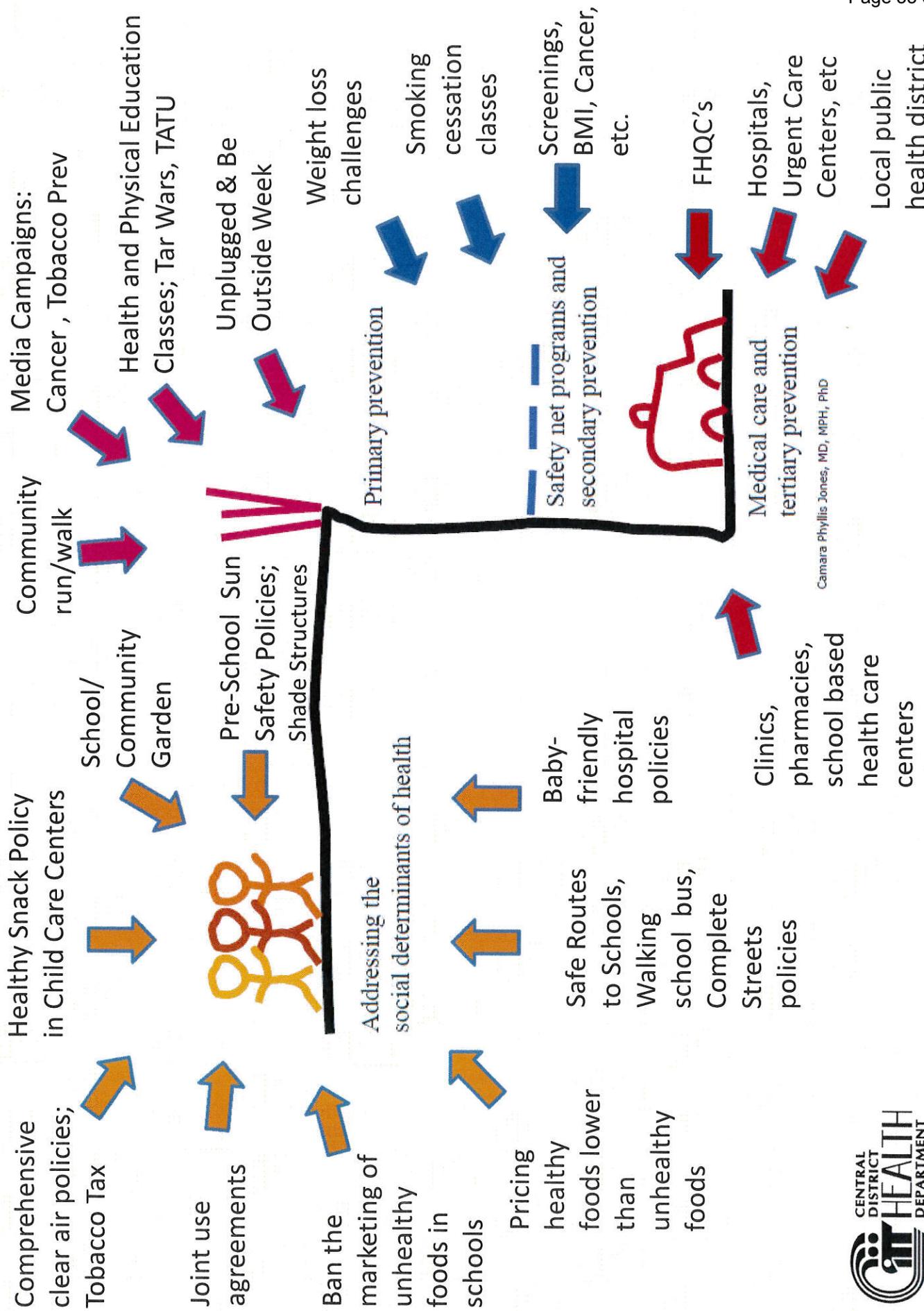
Rx for high blood pressure, high cholesterol, diabetes

Immunizations, brief intervention, cessation treatment, colonoscopy

Fluoridation, 0g trans-fat, iodization, smoke-free laws, tobacco tax

Poverty, education, housing, inequality





Camara Phyllis Jones, MD, MPH, PhD





City of Kuna
Planning & Zoning Department

City of Kuna
P.O. Box 13
Kuna, Idaho 83634

Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.cityofkuna.com

June 27, 2013

Subject: 2006-35 A Explanation

To Kuna City Council,

This annexation was originally approved (06-03-AN / 06-01-DA) on April 18, 2006, it was intended to be annexed as a part of the *Greater Danskin Annex*, which was approved as an R-6 zone on the 257.08 acres. (See Exhibit "A" – Pages 1 thru 4, are marked appropriately).

R-6 zone was the intent of that application. Ordinance 2006-32 was created to annex the lands, however, it did *not* include the 9.1 acre parcel. Staff at that time realized the parcel was not included, and created Ord. 2006-35 for its annexation. Both ordinances were approved May 2, 2006. Ordinance 2006-35 annexes the 9.1 acre parcel, however, it was annexed as Agriculture, not R-6.

The Findings of Fact (F of F) for the (April 2006) annexation were approved for R-6 zone, then later on August 1, 2006 the (06-03-S) Subdivision F of F, it calls out the '*existing*' zone as R-6. Which indicates staff believed it was annexed as R-6. (See Exhibit "B" – Pages 1 and 2).

If you have questions, please send an email or call me.

Troy Behunin
Senior Planner
Kuna Planning and Zoning Department

Cc: Wendy Howell, Director of Planning Services



City of Kuna

P.O. Box 13
Kuna, ID 83634

Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.cityofkuna.com

To: Kuna City Council

File Numbers: 06-03-AN / 06-01-DA

Site Location: East of Ten Mile, south of Columbia, north of Hubbard

Planner: Lisa Bachman

Hearing date: April 18, 2006

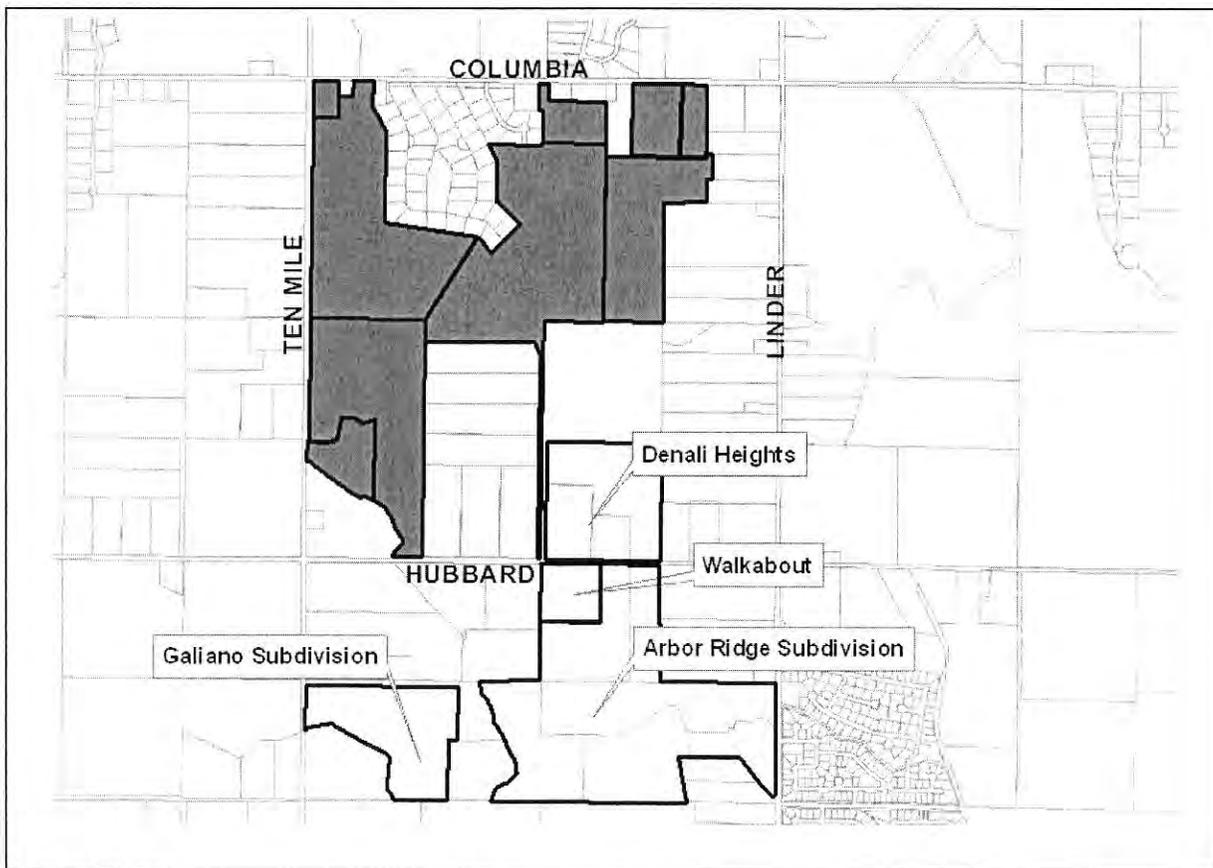
Applicant: JLJ Enterprises
1560 Carol Street
Meridian, Idaho 83642

Application Information:

- Current Zone: RR (Rural Residential – Ada County)
- Proposed Zone: R-6 (Medium Density Residential – Kuna City)
- Total Acres: 257.08-acres

Application Summary:

The applicant is requesting approval for annexation from an RR zone (Rural Residential in Ada County) to an R-6 zone (Medium Development Density in Kuna City) with a minimum of 3 dwelling units per gross acre with a Development Agreement. The property is located east of Ten Mile, south of Columbia, north of Hubbard and contains 257.08 acres.



A. Existing Site Conditions

1. Surrounding land use and zoning:

	Current Zone	Current Use
North	RR (Rural Residential-Ada County)	Agricultural & Single-family residential
South	RR (Rural Residential-Ada County) & R-4 & R-6 (Medium Residential Density-Kuna City)	Agricultural & Single-family residential
East	RR (Rural Residential-Ada County)	Agricultural & Single-family residential
West	RR (Rural Residential-Ada County)	Agricultural & Single-family residential

2. Parcel Numbers/Property Information:

- S1311336201 – 10.143 acres
- R1727740010 – 49.968 acres
- R1727740020 – 70.043 acres
- S1311110450 – 33.730 acres
- S1311110400 – 5.430 acres
- S1311120600 – 9.840 acres
- R1727730020 - 7.878 acres
- R1727700011 - 2.540 acres
- R7172370800 – 1.515 acres
- R1727700031 – 61.150 acres

3. Comprehensive Future Land Use Map:

The site is identified as Park/Recreation, High Development Density (7 + units/acre) and Low Development density (1-3 units/acre) on the Comprehensive Future Land Use Map.

4. Existing Structures:

The sites contain vacant land, existing single-family dwellings and some outbuildings.

5. Existing Vegetation:

The site contains natural soils and grasses.

B. Procedural Items:

Received Application	Accepted Application	Gov't Agency Notification	Property owners 300-ft. notification	Legal Hearing publication	Posted public hearing signs
03-09-06	03-09-06	03-14-06	03-09-06 (P&Z) & 03-30-06 (CC)	03-13-06 (P&Z) & 04-03-06 (CC)	03-20-06 (P&Z) & 04-10-06 (CC)

C. Staff Analysis:

1. Project Summary

The proposed annexation contains approximately 257.08 acres and is located in Township 2 North, Range 1 West, Section 11. The proposed development agreement includes an overall density of a minimum of three (3) dwelling units per gross acre. Upon annexation and development agreement approval, the applicant will submit a master plan for the entire property prior to submitting the first preliminary plat to show how the density will be disbursed on the entire site. The applicant has also agreed to pre-purchase a minimum of

two hundred (200) sewer connections prior to completion of the new sewer treatment plant and will participate in any city LID for sewer improvements.

2. Annexation, Area of Impact (KCC 5-15-2) (Idaho Statute 50-222)

Kuna City Code requires that all annexations by the city of Kuna shall be in compliance with Idaho Code Section 50-222 and its amendments. Idaho Statute 50-222 requires lands lying contiguous or adjacent (with the exception of lots or blocks that will connect only by a shoestring or strip of land which comprises a railroad or highway right-of-way) to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category “A”.

- The site is contiguous with parcel number R9404210100, which is located in Kuna City limits. The contiguous parcel is located on the southwest corner of Ten Mile and Columbia Roads. The proposed annexation complies with Kuna City Code 5-15-2 and Idaho Statute 50-222.

3. Kuna Comprehensive Future Land Use Map (Figure 4.3-1)

The site is identified as Park/Recreation, High Development Density (7 + units/acre) and Low Development density (1-3 units/acre) on the Comprehensive Future Land Use Map.

The applicant is proposing a zoning designation of Medium Development Density (R-6) in the City of Kuna.

- Initially, the applicant is proposing an overall R-6 zoning designation. The applicant will be submitting a master plan and rezone applications prior to development. At that time, the Kuna City Council shall determine if the proposed land uses and zones appropriately comply with the Comprehensive Future Land Use Map.

4. Staff Recommendation

Based on Staff’s review of the application, staff concludes that this application complies with Section 5-15-2 of the Kuna City Code and Idaho Statute 50-222, and forwards a recommendation of approval to the Kuna City Council, as set out in the proposed Findings of Facts and Conclusions of Law attached hereto.

Exhibits:

Exhibit 1	City staff report
Exhibit 2	Annexation Application
Exhibit 3	Legal description
Exhibit 4	Proposed Development Agreement
Exhibit 5	Vicinity map
Exhibit 6	Danskin Ridge Homeowner’s opposition petition
Exhibit 7	Citizen letters
Exhibit 8	Planning & Zoning Commission meeting minutes
Exhibit 9	Planning & Zoning Commission approved Findings of Facts, Conclusions of Law
Exhibit 10	Planning & Zoning Commission Recommended Development Agreement
Exhibit 11	Danskin Drainage Field Sewer Easement map
Exhibit 12	Boise Project Board of Control letter
Exhibit 13	Idaho Transportation Department letter
Exhibit 14	Central District Health Department letter

FINDINGS OF FACTS:

A. As to existing site conditions, the Council finds the following:

	Current Zone	Current Use
North	RR (Rural Residential-Ada County)	Agricultural & Single-family residential
South	RR (Rural Residential-Ada County) & R-4 & R-6 (Medium Residential Density-Kuna City)	Agricultural & Single-family residential
East	RR (Rural Residential-Ada County)	Agricultural & Single-family residential
West	RR (Rural Residential-Ada County)	Agricultural & Single-family residential

Parcel Numbers/Property Information:

- S1311336201 – 10.143 acres
- R1727740010 – 49.968 acres
- R1727740020 – 70.043 acres
- S1311110450 – 33.730 acres
- S1311110400 – 5.430 acres
- S1311120600 – 9.840 acres
- R1727730020 - 7.878 acres
- R1727700011 - 2.540 acres
- R7172370800 – 1.515 acres
- R1727700031 – 61.150 acres

Comprehensive Future Land Use Map:

The site is identified as Park/Recreation, High Development Density (7 + units/acre) and Low Development density (1-3 units/acre) on the Comprehensive Future Land Use Map.

Existing Structures:

The sites contain vacant land, existing single-family dwellings and some outbuildings.

Existing Vegetation:

The site contains natural soils and grasses.

B. As to procedural items, the Council finds the following:

All required procedural items have been completed.

C. As to project description, the Council finds the following:

The proposed annexation contains approximately 257.08 acres and is located in Township 2 North, Range 1 West, Section 11. The proposed development agreement includes an overall density of a minimum of three (3) dwelling units per gross acre. Upon annexation and development agreement approval, the applicant will submit a master plan for the entire property prior to submitting the first preliminary plat to show how the density will be disbursed on the entire site. The applicant has also agreed to pre-purchase a minimum of two hundred (200) sewer connections prior to completion of the new sewer treatment plant and will participate in any city LID for sewer improvements.

D. As to Kuna City Code and Idaho Statute, the Council finds the following:

The proposed annexation complies with Kuna City Code 5-15-2 and Idaho Statute 50-222.

E. As to the Kuna Comprehensive Plan, the Council finds the following:

The proposed annexation complies with the Kuna Comprehensive Plan. Upon a development application, the Kuna City Council will determine further compliance with the Kuna Comprehensive Future Land Use map, goals and policies.

Conclusions of Law:

If any of the following Conclusions of Law are determined to be Findings of Fact, they shall be included in that section.

1. Based on the evidence contained in File #'s 06-03-AN and 06-01-DA, The Kuna City Council finds that File #'s 06-03-AN and 06-01-DA complies with Section 5-15-2 of the Kuna City Code.
2. Based on the evidence contained in File #'s 06-03-AN and 06-01-DA, The Kuna City Council finds that File #'s 06-03-AN and 06-01-DA complies with Idaho Statute 50-222.
3. Based on the evidence contained in File #'s 06-03-AN and 06-01-DA, The Kuna City Council finds that File #'s 06-03-AN and 06-01-DA complies with the Kuna Comprehensive Plan.

Planning & Zoning Commission Recommendation to Kuna City Council:

On March 28, 2006, the Kuna Planning & Zoning Commission recommended approval to the Kuna City Council for the proposed annexation with an R-6 zone with a maximum of 3 dwelling units per gross acre and Development Agreement with the following:

Amendments:

- 3.1.1 Change the minimum to maximum of 3 dwelling units per gross acre (257.08-20 acres (for school site) x3=711 lots max).
- 3.1.2 Developer agrees to submit Master Plan to be approved prior to submitting the Preliminary Plat.

Add:

- 3.1.6 The Developer agrees to provide transitional lots at any lot abutting an existing home site of one acre or larger, including the lots abutting the 20' wide landscaped pedestrian path with the future sewer overlay, along Danskin phase 1. Transitional lots shall be a minimum 110' wide and not to be less than ½ acre in size.
- 3.1.7 The Developer agrees to provide a 20' wide lot with an 8' wide pedestrian path and landscaping with an overlay easement for future sewer along phase 1 of the Danskin Subdivision. Including a stub to Danskin for future connection to City sewer.
- 3.1.8 The Developer agrees to donate a 20 acre school site to be shown on the Master Plan and approved by the School District prior to the Preliminary Plat of the subdivision and locate the highest density lots in the development around the school site. If the School District does not approve the 20 acre site, then the Developer shall construct a park on those 20 acres with landscaping and amenities to be donated to the City.

Section:

- 3.3 The (Subdivision Name) shall be constructed per the approved Master Plan. Strike the rest of the statement.
- 3.5 The Developer shall commence construction within 365 days of the completion of the MBR treatment plant. Remove "effective date of this agreement".
- Article 4: correct the word affidavit.

Kuna City Council Decision:

The Kuna City Council approved the annexation with an R-6 zone with a Development Agreement to include the following changes to the P&Z Commissioners revised Development Agreement:

- 3.1.1 Change the minimum to maximum of 3 dwelling units per gross acre (257.08 acres x3=771 lots max).
- 3.1.2 The developer agrees to submit Master Plan for the entire property prior to approval of the first preliminary plat.....

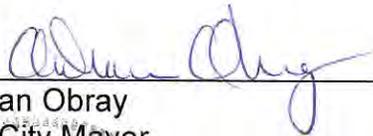
Add:

- 3.1.6 The Developer agrees to provide ½ acre transitional lots along Danskin #1, including the lots abutting the 30' wide landscaped pedestrian path with the future sewer overlay, along Danskin phase 1.
- 3.1.7 The Developer agrees to provide a 30' wide lot with an 8' wide pedestrian path and landscaping with an overlay easement for future sewer along phase 1 of the Danskin Subdivision. Including a stub to Danskin for future connection to City sewer.
- 3.1.8 The Developer agrees to donate a 12 acre school site to be shown on the Master Plan and approved by the School District prior to the Preliminary Plat of the subdivision and locate the highest density lots in the development around the school site. The Developer is to construct an 8 acre park with landscaping and amenities to be donated to the City.

Section:

- 3.3 The (Subdivision Name) shall be constructed per the approved Master Plan. Strike the rest of the statement.
- 3.5 The Developer shall commence construction within 365 days of the completion of the MBR (mechanical bio reactor) wastewater treatment plant. Remove "effective date of this agreement".
- Article 4: correct the word affidavit.

Three (3) Council members voted for approval, Rich Cardoza voted against the application.

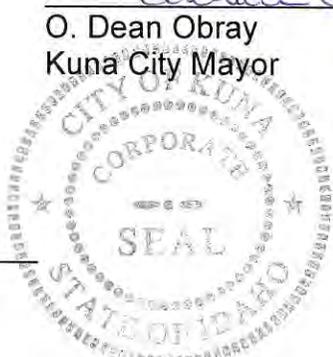


 O. Dean Obray
 Kuna City Mayor

Attest:



 Lynda Burgess
 Kuna City Clerk





City of Kuna

P.O. Box 13
Kuna, ID 83634

Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.cityofkuna.com

To: Kuna City Council

File Numbers: Applewood Master Plan / Applewood No. 1 & No. 2 Subdivision / 06-03-S

Site location: 9202 S. Ten Mile Rd. / North side of Hubbard Rd., East side of Ten Mile Rd.

Planner: Lisa Bachman

Hearing date: August 1, 2006

Applicant: JLJ Enterprises, Inc.
1560 E. Carol St.
Meridian, Id. 83642

Engineer: The Land Group, Inc.
462 E. Shore Dr.
Eagle, Id. 83616

Application Information:

Proposed Master Plan:

Current Zone: R-6 (Medium Density Residential)

Total Acres: approx. 257-acres

R-2 Density area: 40 lots

R-3 Density area: 66 lots

R-4 Density area: 46-62 lots

R-6 Density area: 514-628 lots

Total Residential lots: 666 – 796 lots

Non-Residential:

- Elementary School Site
- Common areas, including 2 swimming pools
- Public Park
- Pedestrian Pathways
- Neighborhood Commercial
- Fire Station

Proposed Applewood No. 1 & No. 2:

Current Zone: R-6 (Medium Density Residential)

Total Acres: approx. 60.111-acres

Sub. No. 1 Single-family lots: 130 lots

Sub. No. 1 Common lots: 16 lots

Sub. No. 2 Single-family lots: 28 lots

Sub. No. 2 Common lots: 5 lots

Total Residential lots: 158 lots

Project Summary:

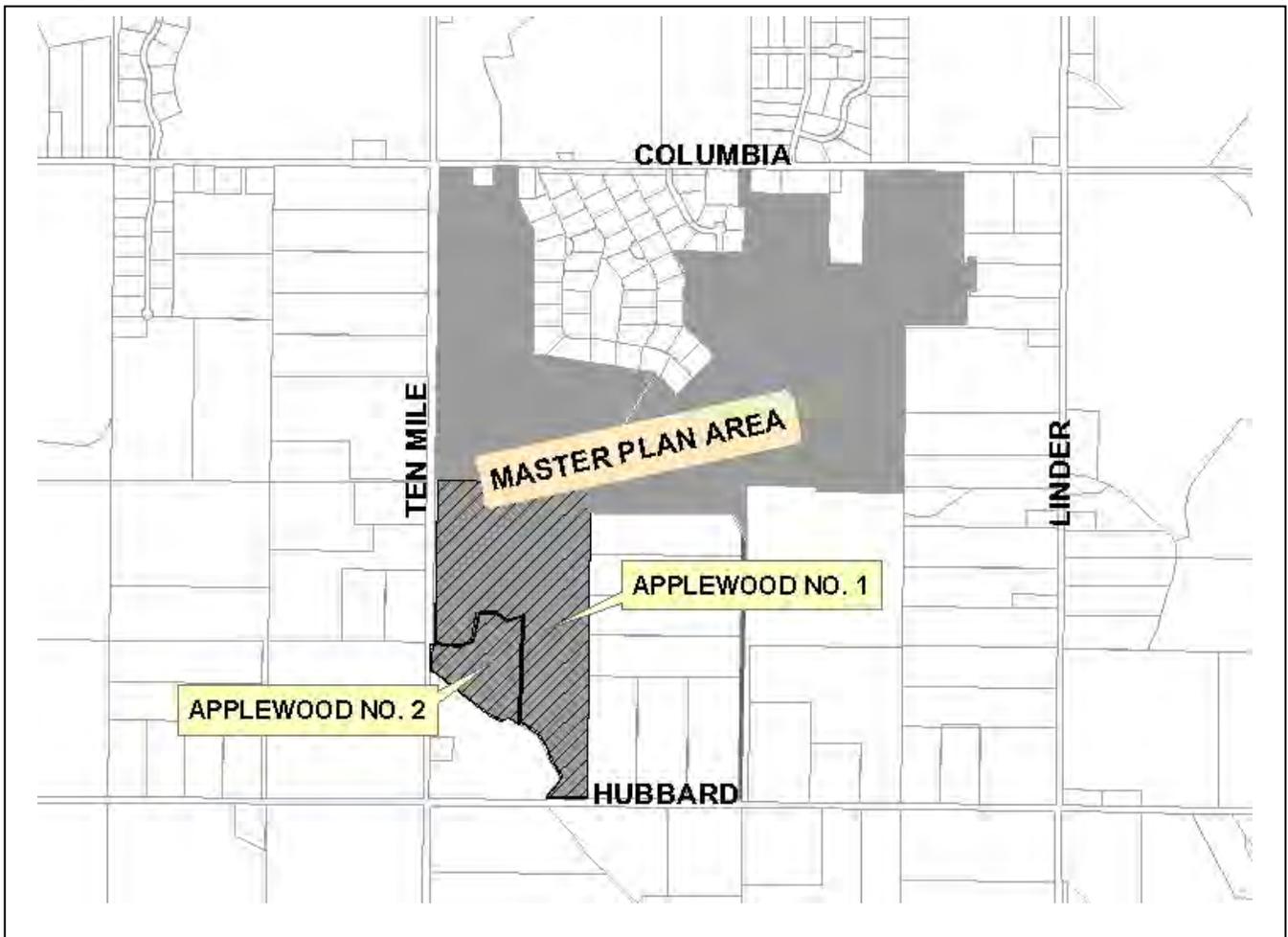
History / Master Plan Proposal

The site was recently annexed into the City of Kuna with an R-6 zone and Development Agreement and will be participating in the Local Improvement District for the new wastewater treatment plant. The total area subject to the approved annexation and development agreement includes approximately 257 acres, and one of the conditions requires the applicant to provide a master plan prior to any preliminary plat. The proposed master plan submitted with this application depicts an overall density of approximately 3 residential dwelling units per acre and includes a 12 acre elementary school site, common areas with amenities including pool areas, pedestrian pathways, a public park, a fire station, a well site, a neighborhood commercial area and an area for some storm water ponds.

Applewood No.1 and No. 2

Applewood No. 1 and No. 2 contains approximately 60 acres and will be required to comply with the requirements associated with the approved annexation and development agreement. The applicant is requesting preliminary plat approval for 158 single-family residential lots on approximately 61 acres in an R-6 zone. The site is located on the east side of Ten Mile Road and the north side of Hubbard Road. The applicant is proposing one primary access on Hubbard Road located to the south property line, and one access on the new residential collector road to the north.

VICINITY MAP



ORDINANCE NO. 2006-35 A

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER S1311336210, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized to annex to and incorporate within the boundaries of the City contiguous real property in the manner provided by Section 50-222, Idaho Code; and

WHEREAS, JLJ Enterprises, Inc., owner of the parcel of real property situate in the unincorporated area of Ada County and particularly described in Section 2 of this ordinance has requested, in writing, annexation of said real property to the City of Kuna; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by Section 67-6525, Idaho Code, held a public hearing on March 28, 2006, made findings (approved by the Commission on April 11, 2006), where it was recommended to the Mayor and Council that the annexation and zoning request be approved with a zoning classification of R-6, Medium Density Residential; and

WHEREAS, the Kuna City Council, pursuant to public notice as required by law, held a public hearing on April 18, 2006 on the proposed annexation and zoning for the real property described in Section 2 below, as required by Section 67-6525, Idaho Code, made findings (approved by Council on May 2, 2006), where it determined that the requested annexation should be granted with the zoning classification of R-6, Medium Density Residential; and

WHEREAS, the zoning classification of R-6, Medium Density Residential is appropriate to meet the requirements of the Kuna City Code and should be granted,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO, as follows:

Section 1: The Kuna City Council hereby finds and declares that the real property described below is contiguous to the City, that said property can be reasonably assumed to be used for the orderly development of the City, and that the owners of said property have requested, in writing, annexation thereof to the City.

Section 2: The real property, all situated in Ada County, Idaho, adjacent and contiguous to the City, commonly known as Parcel Number S1311336210 and more particularly described in "Exhibit A"- Legal Description and "Exhibit B"- Site Map, attached hereto and incorporated herein by reference as if fully set forth below, is annexed to and incorporated in the incorporated territorial limits of the City of Kuna, Idaho.

Section 3: From and after the effective date of this Ordinance, all property and persons within the boundaries and territory described above shall be subject to all ordinances, resolutions, police regulations, taxation, and other powers of the City of Kuna.

Section 4: The zoning land use classification of the land described in Section 2 above is hereby established as R-6, Medium Density Residential, as provided by the Zoning Ordinance of the City. The Comprehensive Plan and Zoning Map of the City are hereby amended to include the real property described in Section 2 above in the A zoning land use classification.

Section 5: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Ada County, Idaho, and with the Idaho State Tax commission, Boise, Idaho, as required by Section 50-223, Idaho Code, and to comply with the provisions of Section 63-215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

Section 6: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 2nd day of July, 2013.

CITY OF KUNA
Ada County, Idaho

Greg Nelson, Mayor

ATTEST:

Brenda Bingham, Kuna City Clerk

EXHIBIT A

NOTE: A portion of this description located along the State Lateral is based upon Record of Survey No. 4238, Inst. #98038612. A boundary survey was not performed on this portion of the description by the registrant whose signature and seal are affixed herewith to confirm or deny said record boundary.

PARCEL DESCRIPTION March 8, 2006

PROJECT: 32568 GREATER DANSKIN
PARCEL NO.: OWNERSHIP DESCRIPTION LESS MILLER AND HILL

A parcel of land located in Section 11, T. 2 N., R. 1 W., B.M., Ada County, Idaho, more particularly described as follows;

COMMENCING at a 3" brass cap (corner record #1021129848) marking the southwest corner of said Section 11;
Thence North 00°36'21" East coincident with the west line of said Section 11, a distance of 1092.57 feet to the POINT OF BEGINNING;

Thence continuing North 00°36'21" East coincident with the west line of said Section 11, a distance of 213.27 feet;

Thence South 89°24'01" East, 48.01 feet to the east right-of-way line of Ten Mile Road;

Thence South 85°01'29" East, 165.90 feet;

Thence North 78°10'58" East, 151.17 feet;

Thence North 10°37'58" East, 246.42 feet;

Thence South 89°23'36" East, 147.11 feet;

Thence South 54°52'22" East, 107.74 feet;

Thence North 71°58'47" East, 138.79 feet;

Thence South 00°59'15" West, 892.95 feet to the centerline of the State Lateral;

Thence North 58°17'53" West coincident with the said centerline of the State Lateral, 98.00 feet;

Thence South 74°50'07" West coincident with the said centerline of the State Lateral, 63.11 feet;

Thence North 63°11'53" West coincident with the said centerline of the State Lateral, 97.36 feet;

Thence North 55°00'53" W coincident with the said centerline of the State Lateral, 326.22 feet;

Thence North 52°43'53" West coincident with the said centerline of the State Lateral, 260.53 feet;

Thence North 71°39'53" West coincident with the said centerline of the State Lateral, 57.94 feet;
to the POINT OF BEGINNING.

The above described parcel contains 10.14 acres more or less.

Together with and subject to covenants, easements and restrictions of record.

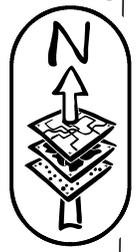
The basis of bearings for this parcel is South 89°25'28" East from the 3" aluminum cap (corner record #97031113) marking the northwest corner of Section 11 and the 3" aluminum cap (corner record # 97031115) marking the north ¼ corner of Section 11, both in T. 2 N., R. 1 W.

David S. Short Jr., PLS
End Description



License No. 5461

EXHIBIT B LOCATION MAP



W Ozzy Ln

S Ten Mile Rd

**SUBJECT
PROPERTY**

S Red Delicious Ave

W Stayman Way

W Matsu Ct

W Hubbard Rd

TB

ORDINANCE NO. 2013-10

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REZONING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL S1323142310; 927 N. LINDER ROAD, KUNA, IDAHO, FROM CBD TO C-3; AMENDING THE ZONING MAP OF THE CITY OF KUNA TO REFLECT SUCH CHANGE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property described in Section 1 below is presently zoned CBD (Central Business District), and the owner of the property, **DOUG W. CROFT AND TAMARA S. CROFT**, has requested that the property be rezoned to C-3 (Service Business District), pursuant to the Zoning Ordinance of the City of Kuna; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on October 9, 2012, made finding (approved by the Commission on October 23, 2012), where it determined that the request change in zoning designation should be granted; and

WHEREAS, the City Council of the City of Kuna, pursuant to public notice as required by law, held a public hearing on November 6, 2012, made findings (approved by Council on November 20, 2012), where it determined that the requested change in zoning designation from CBD to C-3 should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO, as follows:

Section 1: That the zoning designation for the real property, all situated in the City of Kuna, Ada County, Idaho and commonly known as Parcel S1323142310 and more particularly described in Exhibit A Legal Description and Exhibit B Location Map attached hereto and incorporated herein by reference as if fully set forth herein, is hereby changed from CBD to C-3 (Exhibits A-B) pursuant to the Zoning Ordinance of the City of Kuna.

Section 2: That the Official Zoning Map of the City of Kuna is hereby amended to reflect the change set forth in Section 1 of this ordinance, and the GIS Manager is hereby directed to alter and change the Official Zoning Map to comply with said change.

Section 3: That this ordinance shall be published once in the official newspaper of the City and shall take effect and be in force upon its passage, approval, and publication.

ADOPTED this 2nd day of July, 2013.

CITY OF KUNA
Ada County, Idaho

W. Greg Nelson

ATTEST:

Brenda S. Bingham, City Clerk

EXHIBIT A**LEGAL DESCRIPTION
DOUGLAS CROFT
PARCEL 1**

A Parcel of land being a portion of the Southeast 1/4, of the Northeast 1/4, of Section 23, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho. More particularly described as follows:

BASIS OF BEARINGS:

The East line of said Northeast 1/4 of Section 23, between found monuments at the Northeast corner and the East 1/4 corner, taken as North 00°03'04" East and a distance between monuments found to be 2621.79 feet.

COMMENCING at a point on said East line of Section 23, from which the East 1/4 corner of said Section 23 bears South 00°03'04" West, 520.00 feet;

Thence leaving said East line, South 89°45'00" West, 48.00 feet to a point on the Westerly Right-of-Way of North Linder Road and the **POINT OF BEGINNING**;

Thence along said Right-of-Way, South 00°03'04" West, 150.00 feet;

Thence leaving said Right-of-Way, South 89°45'00" West, 276.95 feet;

Thence South 00°03'04" West, 35.60 feet, to the Northeast corner of Sam's Estate Subdivision, Bk. 81, Page 8797 records of Ada County;

Thence along the North boundary of said Sam's Estate Subdivision, South 89°44'42" West, 96.00 feet, to a point on the Easterly Right-of Way of North White Barn Road;

Thence leaving said North boundary, North 00°03'04" East, 185.61 feet;

Thence North 89°45'00" East, 372.95 feet, to the **POINT OF BEGINNING**.

Said Parcel containing 59,360 square feet (1.36 acres), more or less, and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION

Russell E. Badgley, PLS 12458
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687

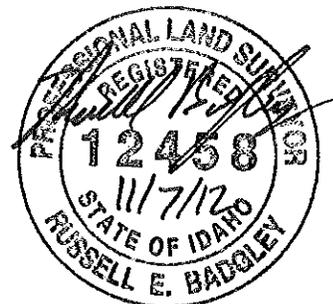


EXHIBIT B LOCATION MAP



N Linder Rd

**SUBJECT
PROPERTY**

N White Barn Rd

W Boise St

Teed Lateral

TB

ORDINANCE NO. 2013-11

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL S1303438400; 4000 W. COLUMBIA ROAD, IDAHO, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized to annex to and incorporate within the boundaries of the City contiguous real property in the manner provided by Section 50-222, Idaho Code; and

WHEREAS, **HUMBERTO MEDINA CABRERA**, owner of the parcel of real property situated in the unincorporated area of Ada County and particularly described in Section 2 and Exhibit A of this ordinance, has requested, in writing, annexation of said real property to the City of Kuna; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on November 27, 2012, as required by Section 67-6525, Idaho Code, made findings (approved by the Commission on January 8, 2013) where it was recommended to the Mayor and Council that the annexation and zoning request be approved with a zoning classification of R-2, (Low Density Residential); and

WHEREAS, the Kuna City Council, pursuant to public notice as required by law, held a public hearing on February 5, 2013, on the proposed annexation and zoning for the real property described in Section 2 below, as required by Section 67-6525, Idaho Code, made findings (approved on February 19, 2013) where it determined that the requested annexation should be granted with a zoning classification of R-2; and

WHEREAS, the zoning classification of R-2 is appropriate to meet the requirements of the Kuna City Code and should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO, as follows:

Section 1: The Kuna City Council hereby finds and declares that the real property described below is contiguous to the City, that said property can be reasonably

assumed to be used for the orderly development of the City, and that the owner of said property has requested, in writing, annexation thereof to the City.

Section 2: The real property, all situated in Ada County, Idaho, adjacent and contiguous to the City, commonly known as Parcel S1303438400, and more particularly described in "Exhibit A" – Legal Description(s) and "Exhibit B" – Site Map, attached hereto and incorporated herein by reference as if fully set forth below, is annexed to and incorporated in the incorporated territorial limits of the City of Kuna, Idaho.

Section 3: From and after the effective date of this Ordinance, all property and persons within the boundaries and territory described above, shall be subject to all ordinances, resolutions, police regulations, taxation and other powers of the City of Kuna.

Section 4: The zoning land use classifications of the land described in Section 2 above is hereby established as R-2, as provided by the Zoning Ordinance of the City . The Zoning Map of the City is hereby amended to include the real property described in Section 2 above in the R-2, zoning land use classification.

Section 5: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Ada County, Idaho, and within the Idaho State Tax Commission, Boise, Idaho, as required by Section 50-223, Idaho Code, and to comply with the provisions of Section 63-215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

Section 6: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 2nd day of July, 2013.

CITY OF KUNA
Ada County, Idaho

W. Greg Nelson, Mayor

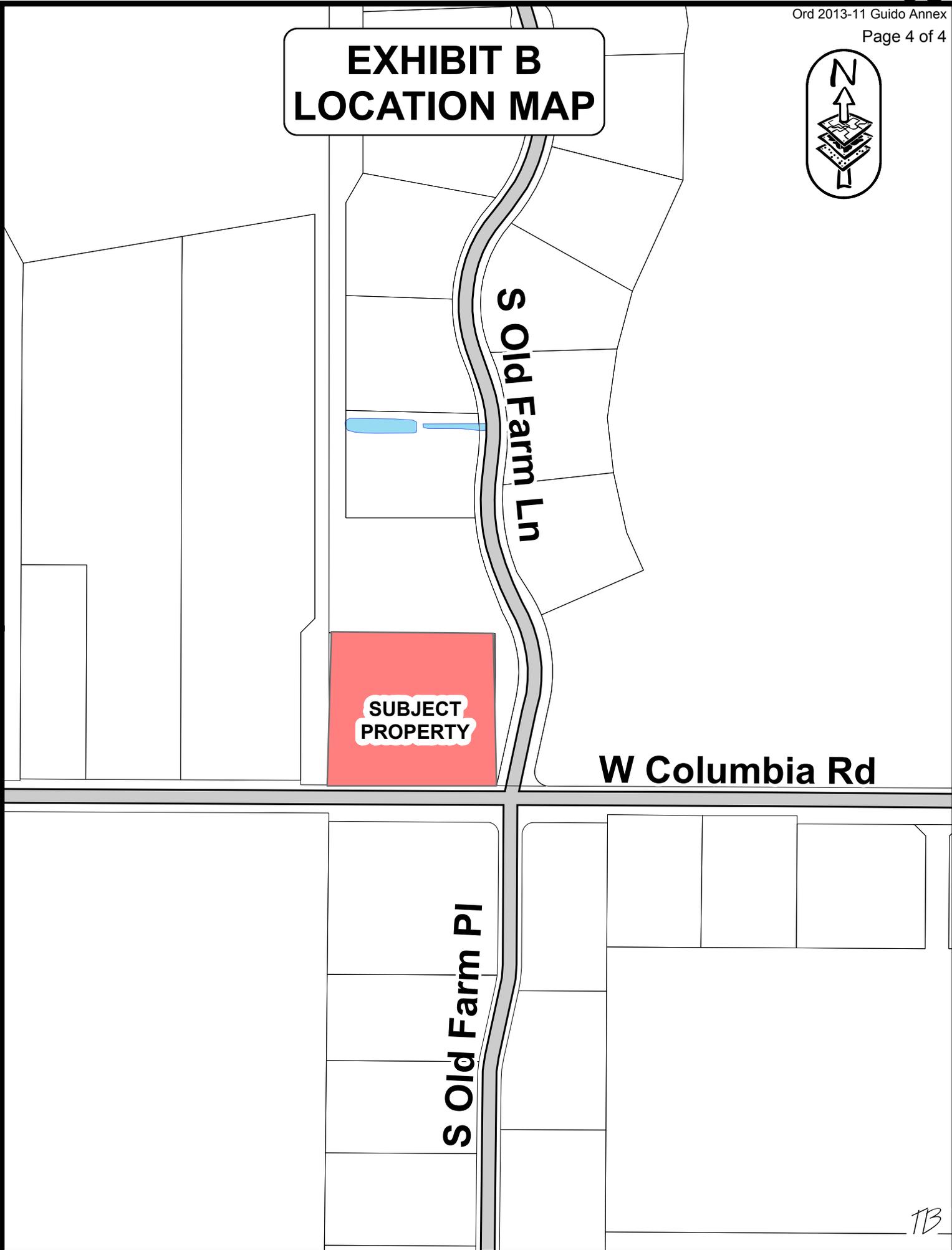
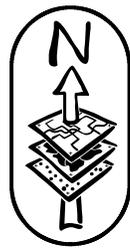
ATTEST:

Brenda S. Bingham, City Clerk

EXHIBIT A

Commencing at the quarter section corner between Sections 3 and 10, Township 2 North, Range 1 West of the Boise Meridian, thence Easterly along the section line between said Sections 3 and 10 a distance of 295 feet, thence Northerly, parallel to the East line of said Section 3 a distance of 295 feet; thence Westerly parallel to the South line of said Section 3 a distance of 295 feet to the West line of the Southeast quarter of Section 3; thence Southerly a distance of 295 feet to the PLACE OF BEGINNING, being a part of the Southwest quarter of the Southeast quarter of Section 3, Township 2 North, Range 1 West of the Boise Meridian in Ada County, State of Idaho.

EXHIBIT B LOCATION MAP



TB

ORDINANCE NO. 2013-12

BY THE COUNCIL:

AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING TITLE 7 CHAPTER 3, OF THE MUNICIPAL CODE OF THE CITY OF KUNA, COUNTY OF ADA, STATE OF IDAHO AMENDING THE CHAPTER TITLE; RE-NUMBERING THE SECTIONS TO ACCOUNT FOR THE ADDITION OF NEW SECTIONS; ADDING A NEW SECTION THAT PROVIDES FOR A DEFINITION OF CITY PARKS AND CITY PUBLIC PROPERTY; ADDING A NEW SECTION THAT PROHIBITS SMOKING WITHIN FIFTY (50) FEET OF PLAYGROUND OR OUTDOOR ATHLETIC FACILITIES AND PROVIDES FOR A VIOLATION TO BE AN INFRACTION WITH A FIFTY DOLLAR (\$50.00) FINE; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION.

WHEREAS, Article XII, Section 2 of the Idaho Constitution and Idaho Code Section 50-302 allow municipal corporations to adopt regulations which are not contrary to the general laws; and

WHEREAS, Idaho Code Section 50-302 grants to cities the power to make ordinances to promote the general welfare and provides for enforcement of such ordinances by criminal penalty; and

WHEREAS, public health officials, based upon reliable studies, have concluded that second hand tobacco smoke is a significant health hazard, and it causes disease, including lung cancer and heart disease, and can exacerbate asthma and allergies and cause eye, throat and nasal irritation; and

WHEREAS, 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

WHEREAS, the Mayor and City Council, pursuant to Idaho Code Sections 39-5511, 39-5713, 50-302, and 50-304, are empowered to impose reasonable limitations and regulations upon smoking to reduce the harmful effects thereof; and

WHEREAS, the intent of the amendments to Section 10, is to protect the health of children and adults at City of Kuna parks and properties by limiting the public's exposure to second hand smoke and limiting youths' exposure to smoking behavior at those locations where youths congregate and are likely to look to smoking adults as role models.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KUNA, ADA COUNTY, IDAHO, as follows:

Section 1. That certain Sections of Chapter 3, Title 7, Kuna City Code, as designated by underlining the new enacted words be, and the same are hereby amended to read as follows:

CHAPTER 3 – CITY PARKS AND CITY PUBLIC PROPERTY

7-3-1: DEFINITIONS

7-3-2: EXCLUSIVE RESERVATIONS:

7-3-3: - APPLICATION FOR RESERVATION:

7-3-4: - FEES:

7-3-5: - WATER AND UTILITY LINES:

7-3-6: - VACATION OF PARKS:

7-3-7: - HOURS:

7-3-8: - AFTER HOURS PERMIT:

7-3-9: - SPEED LIMITS:

7-3-10: - HANDICAPPED PARKING:

7-3-11: -SMOKING PROHIBITED

7-3-12: - POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES:

7-3-13: - DOGS:

7-3-14: - GLASS CONTAINERS:

7-3-15: - FISHING PROHIBITED:

7-3-16: - VIOLATION, PENALTY:

7-3-1: -DEFINITIONS:

A. As used in this Chapter:

1. City parks and/or City public property mean (1) any and all lands, buildings, reserves, sports complexes, playgrounds, skate board parks, BMX facilities, gardens, trails and other general or special use outdoor places, including the City of Kuna greenbelt that are owned, operated or maintained by the City of Kuna.

7-3-2: - EXCLUSIVE RESERVATIONS:

Kuna city parks and greenbelt are public use areas; any exclusive reservation will be only for the park band shell and/or gazebo and their immediate area and that other citizenry have right to the access and use of other park/greenbelt areas.

7-3-3: - APPLICATION FOR RESERVATION:

Persons, associations, corporations, and other entities desiring to use the Kuna city park and/or park band shell or gazebo shall apply at city hall and reserve a time for such use, if their requested use time is available. Reservation of the entire park may be made for public events.

7-3-4: - FEES:

The fees for the rental of a city park or other public property or the after hours permit shall be in accordance with the fee schedule as adopted by resolution of the city council.

7-3-5: - WATER AND UTILITY LINES:

Because of the unmarked underground water and utility lines in city parks, any sponsor or individual user of Kuna city parks must contact the city public works director to coordinate the driving of any stake(s).

7-3-6: - VACATION OF PARKS:

If persons, associations, corporations, and other entities using the park band shell or gazebo have not reserved the time, have not paid the appropriate fee, and/or are using the park band shell or gazebo at a time that has been reserved for another person, association, corporation, or other entity, they shall be requested to vacate by an appropriate representative of the city.

7-3-7: - HOURS:

- A. No person shall use, enter upon, or occupy the premises of any Kuna city park between dusk and dawn of any day without securing an after hour permit as provided herein. Dusk shall be defined as thirty (30) minutes after sunset, and dawn shall be defined as thirty (30) minutes before sunrise. Law enforcement officers, other safety personnel, city officials or city employees, when acting in their official capacities, are exempt from this regulation.
- B. A violation of this section shall be punishable by infraction and subject to a fine of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each additional offense.

7-3-8: - AFTER HOURS PERMIT:

A permit shall be required for the use and occupancy of any Kuna city park between the hours of dusk and dawn of said day(s) and shall be obtained from the city clerk during normal business hours and shall be so issued upon a daily basis and in accordance with the fee schedule as established by the City of Kuna. The clerk may

issue the permit after the applicant submits an application, on the form provided by the city and pays the appropriate fees. The application shall include a safety plan approved by the Kuna Police Department. Unless specifically allowed by the permit, overnight camping or parking shall be prohibited.

7-3-9: - SPEED LIMITS:

No motor vehicle shall be operated within the confines of Kuna city parks at a speed in excess of ten (10) miles per hour.

7-3-10: - HANDICAPPED PARKING:

Accessible parking spaces have been identified for physically challenged park patrons; other park users are to honor those spaces so as to allow handicapped individuals easier access to public city park facilities.

7-3-11: - SMOKING PROHIBITED IN CERTAIN AREAS:

A. Definitions:

As used in this Section:

“Smoking” means inhaling, exhaling, burning, carrying, or possessing any combusting (heated, lit, or smoldering) tobacco or any other substance, whether possession of an unlit or unheated cigar, cigarette, or pipe.

B. Smoking Prohibited: Smoking is prohibited either at, or within, fifty (50) feet of the following outdoor areas within any City of Kuna park or city owned property: playground or outdoor athletic facility where members of the general public of any age assemble to engage in physical exercise, participate in athletic competition, play or recreational activity, or to witness sports, or other outdoor recreational events.

D. Signage: The City of Kuna may post no smoking signs at the locations where smoking is prohibited by this Ordinance.

C. Violations and penalties: A person who smokes in an area where smoking is prohibited by the provisions of this Section shall be punishable by a fine not exceeding fifty dollars (\$50.00), as prescribed by the Idaho Infraction Rules.

7-3-12: - POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES:

It shall be unlawful for any person, association, corporation or other entity to sell, distribute, possess or consume any type of alcoholic beverage without first obtaining any necessary permit(s) or license(s) from the state, county and/or city, including a liquor license and a valid catering permit issued by the city.

7-3-13: - DOGS:

- A. Except as provided herein, in all Kuna city parks, all dogs shall be on a leash not greater than eight (8) feet in length.
- B. Dogs shall be prohibited within twenty-five (25) feet of any type playground equipment, which shall be considered a "Dog Free" area, as provided in KCC 10-3-6.
- C. In the following areas, dogs shall be permitted to be off-leash as long as the dog(s) are under control of their owner as defined in KCC 10-3-2:
 1. Sego Prairie Park.
 2. The south side of the Green Belt walking path to the high water mark of Indian Creek in the Greenbelt Park.
 3. Sadie Creek Park.
- D. The dog owner shall immediately clean up their dog's waste and properly dispose of it, as provided for in KCC 10-3-18.

7-3-14: - GLASS CONTAINERS:

Glass containers shall be prohibited in any Kuna city park.

7-3-15: - FISHING PROHIBITED:

Fishing shall be prohibited in any area posted as a "No Fishing Zone" as adopted by city resolution.

7-3-16: - VIOLATION, PENALTY:

Except as otherwise provided by this chapter any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.

Section 2: This ordinance shall become effective after its adoption and publication as required by law.

PASSED by the Council of the City of Kuna, Idaho this 2nd day of July, 2013.

APPROVED by the Mayor of the City of Kuna, Idaho this 2nd day of July 2013.

CITY OF KUNA

Ada County, Idaho

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk