

A Meeting of the Meridian City Council was called to order at 6:00 p.m. Tuesday, June 2, 2026, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Liz Strader, John Overton, Doug Taylor, Anne Little Roberts and Brian Whitlock.

Other Present: Chris Johnson, Bill Nary, Dave Miles, Caleb Hood, Crystal Campbell, Emily Kane, Tishra Murray, Todd Lavoie, Tracy Basterrechea and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Brian Whitlock
<input checked="" type="checkbox"/> Anne Little Roberts	<input checked="" type="checkbox"/> John Overton
<input checked="" type="checkbox"/> Doug Taylor	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record is June 2nd, 2026, at 6:00 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next item is the Pledge of Allegiance. If you would all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next item is the community invocation. I don't see our presenter here this evening.

ADOPTION OF AGENDA

Simison: So, we will move on to adoption of the agenda.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: We are going to have a small change to the agenda. No. 14 from our workshop, which was the 2026 legislation impacting cities, will become the new Action Item No. 4 and the current number four listed will be five and the current No. 5 will become 6 and with that I move that we adopt the agenda.

Little Roberts: Second.

Simison: Have a motion and a second to adopt the agenda as amended. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and agenda is agreed to.

MOTION CARRIED: ALL AYES.

ANNOUNCEMENTS AND RECOGNITION

Simison: Council, anything under announcements and recognition?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yes, I do have a brief item. On June 16th we are tentatively planning -- the Parks Department is tentatively planning a ribbon cutting at Tammy Street Park and I just wanted to mention that. It may take place sometime either at 11:00 or 11:30, it's still being finalized, but I just wanted people to have that on their radar. I will not be able to attend because of a conflict.

Cavener: What was the date again?

PUBLIC FORUM

Simison: Thank you. Anything else, Council? Okay. Then, with that, Mr. Clerk, anyone sign up under public forum?

Johnson: Mr. Mayor, nobody signed up for that.

ACTION ITEMS

1. Appeal of City Clerk's Denial of Application for TUP-26-0066 Bower Shaved Ice LLC

Simison: All right. Then we will go on to Item 1, which is appeal of city clerk's denial of application for TUP-26-0066, Bower Shaved Ice, Incorporated. I don't know who is going to lead us off.

Johnson: Mr. Nary, are you covering this or should I?

Nary: Mr. Mayor, Members of the Council, I think what you have in front of you tonight is an appeal. This was a request for a temporary use permit for -- for the business to operate in the Lowe's parking lot off of Overland. There is already a temporary use permit that's already been granted for that. Under our code there is only one temporary

use permit that's allowed per location. The clerk's office did try to work with the applicant to see if there is another location nearby that could allow this to be there. It looks like they tried to do that. That didn't work out. So, their application was denied. They are appealing to you. There is, again, nothing in the code. There is no exception. There is nothing else without rewriting the code to allow more than one on site where there are other types of uses in that lot and -- that are mobile sales, but this is not a mobile sales unit, this is a fixed building that is, you know, put in site for the summertime and, then, removed at the end of the summer. There really isn't an alternative to grant it, but they do have the right to appeal and that's why it's in front of you tonight.

Simison: Thank you. Council, any questions for staff? Okay. Is the applicant here?

Johnson: We received an e-mail they would be here, Mr. Mayor, but it looks like they are not. I'm so sorry. There -- you can come up.

Simison: Would you like to come up and make any comments? Just wait until you get up to the mic and when you get up to the mic just state your name and let everyone hear your conversation.

Tandy: Okay. So, I'm Brianne Tandy, I'm here on behalf of Bower Shaved Ice. So, our question just was that like the temporary use permit that's already granted is for like the corn dog place that's there and they are not there on like a daily basis, so that's why we were confused on like if it's a -- why do they get to hold the permit for the whole parcel when they are not there on like a daily or a regular basis. They just come like once a week for a few hours and so that's where our confusion was is that like they hold the permit for the whole parking lot, but they are not even there on a consistent daily basis.

Simison: Okay.

Nary: So, to answer that question, so, Mr. Mayor, Members of the Council, just so you understand -- so, all the temporary use permits are governed by time and the amount of time they can be there. So, many of them -- and this is not uncommon for a lot of them -- is they don't operate continuously for that period of time, because they only have a certain number of days in which they can operate. So, they may operate for two or three days a week, but our code only, basically, allows one per site. So, whether they operate every single day for 120 days in a row or 120 days over four months, or five months and three or four days a week instead of every day, either one of those is still allowed under our code. But we only allow one per site, so --

Tandy: Okay. Understood.

Simison: Council, any questions?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: I have a question more directed at Bill. So, I drive by that space on a regular basis, but do I understand that it's because they are more of a building that is -- would be structured and there until the end of the summer? Because on a regular basis -- I don't want to throw anybody under the bus, but there is three that are there on a very regular basis, but they all have wheels and come and go, so it feels like we are making them pay because they can't -- they are stable and would be there the whole summer, which they are actually a product that people kind of count on to be there, because there used to be a more permanent one down to where the car wash went in.

Nary: So, Mr. Mayor, Members of the Council, Council Member Little Roberts, so, yeah, there are two different types of permits of this -- of this nature. One are temporary uses and one are mobile sales. Mobile sales have different rules. How long they can be there. How often they have to move. You know, they can only be there for -- I think it's two hours at a time. So, yes, even though they have wheels and they can move, they can get a temporary use permit to allow them to be there longer for any particular day or time versus the two hours. So, we don't -- we don't just require they be mobile, but if it's a mobile sales it, obviously, has to move every two hours. I get that a building that is -- basically comes on a flatbed or a forklift isn't going to do the same thing, but as the differences in our code is that even though you may have a mobile sales, but you want to park it there for a longer period of time, which some of them do, then, they can get a mobile -- then they can get a temporary use so they can be there longer than two hours and have to move it every time. I think of the one that's up there by the speedway. there is a -- there is one up there that doesn't move, even though it's a mobile looking unit. I don't know that it moves, but it doesn't. We have a few of those around town that don't move very much and that's why they have a temporary use.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, Bill, if we felt like this -- because there is no ability for us to give an exception is what I'm understanding.

Nary: There is not.

Strader: So, the only resolution that could happen that could improve this situation in the future if we decided it was warranted would be to actually change the code.

Nary: Yes.

Strader: Okay. I think that's important for you to understand.

Tandy: So, that's fine. Right? Like that's not something that can be done like today; right? You guys can't do that. It's a process. So, like I guess our question is -- because if this helps other people that are in the same situation -- because that's a very large parcel and, like she said, there is multiple food trucks and I have seen them there like

for a full day, but they are applying under the premise that they are only going to be there for two hours. But, fortunately, for them they can just like leave if they realize someone's watching; right? Unfortunately for us we can't pick up and leave if we want to, because we are -- we are a shed and so I guess my question is how do -- how would we go about like petitioning for the process to change the code, because there are some parcels that are very large that could handle more than one temporary use permit per allotted parcel. So, how do we go about like making that change -- or trying to make that change?

Simison: I'm saving my voice, so I'm going to turn to Mr. Nary for any comments.

Nary: So, Mr. Mayor, Members of the Council. So, the Council can direct us to reevaluate that and look at -- there is a lot of factors to look into. One of the concerns is, again, are we going to -- a lot of the concerns sometimes with these businesses is other businesses get concerned when mobile businesses will intrude on their business.

Tandy: Right.

Nary: And so we are trying to -- trying to balance that and that's kind of why we have two different types of permits for two different types of uses. So, trying to evaluate the size of lots and regulating that and all of that -- certainly if the Council wants us to do that we can do that. It probably won't happen through -- until the summer is over. It's going to take a while. But certainly we could look at -- at some other change that might make some sense or something that we could look at and bring back to the Council in the future.

Tandy: Okay. Perfect.

Simison: Any additional questions or comments? Okay. Thank you.

Tandy: Thank you.

Simison: Okay. With that we will need an action. So, I will turn to Council for any dialogue or motions.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: To kick off some type of dialogue, because I'm such a fan of small business, worked really hard to get one of our young entrepreneurs in Storey Park with kind of the same type of business. I know how much that can benefit the kids and students trying to earn money over the summer, because sometimes summer jobs are hard to find, so you create your own. So, I guess I would like to see us reevaluate -- especially where there was something in our packet that said that lot was maybe actually two lots, not one lot. I don't know if that makes a difference or just the fact that

it is a parking lot, if we would ever consider like going by how large something is to potentially have two available -- spots available in there or -- I would like to see if we could, you know, reevaluate our ordinance to see if we can make some room for some more summer small businesses.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I appreciate those comments and I a hundred percent agree. It feels like -- first off I appreciate you bringing the appeal, even though we are not in a position I don't think to support that, but what it's done is it's highlighted that maybe there is a way we can nuance this, because it seems like it's -- it's not being fairly applied in a way in terms of the uses and the types. So, I -- I would be interested in looking at how we can maybe make some changes to -- to allow that, because what I would hate for is some ordinances that seem maybe a little bit arbitrary to get in the way of -- of some of this stuff. So, I would be, you know, supportive of -- of us looking at that when -- when we can and see if there is a way forward.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I agree with that. I think just looking at it is a great idea. I mean, obviously, we also have a vested interest in making sure that like we don't end up with a parking lot that has like five, you know, tents or, you know, semi-permanent structures in it as well. Like there is a balance there. But if there -- if the planning department was open to at our direction looking at maybe some kind of metric based on the amount of space available or something along those lines. I don't want to do it for them, but something like that, maybe we look at that. I would be supportive of looking at that for sure. Unfortunately, I would have to deny you today, just because we don't have a choice. But I would be open to us looking at that as well.

Simison: Okay. And with that do I have a motion?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: I move that we reconsider our ordinance -- I guess we need a motion on this.

Simison: Yes.

Little Roberts: I move -- I -- I'm so sorry to do this, but I move we deny the appeal.

Cavener: Second.

Simison: Have a motion and a second to deny the appeal. Is there any discussion? Do we need a roll call on this, Mr. Nary?

Nary: No.

Simison: If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the appeal is denied.

MOTION CARRIED: ALL AYES.

Simison: So, go the leadership from the department here, as well as code enforcement who will have their own parts to this conversation about mobile versus temporary as well, so I'm sure that they will take that under consideration and look at different options for consideration, so -- okay.

2. Public Hearing for Program Year 2026 Community Development Block Grant Action Plan

Simison: With that we will move on to Item 2, which is a public hearing for program year 2026 Community Development Block Grant Action Plan. We will open this public hearing with staff comments.

Campbell: Thank you, Mr. Mayor, Members of the Council. Let me get my presentation up really quick. Sorry about that. So, this is for our upcoming action plan that starts on October 1st of this year and we are just going to be going through the different projects that were selected for this. So, a quick overview of what CDBG is. It's a federal grant that we receive from the Housing and Urban Development. So, it's federal and it's got all of its own regulations that we can't do a lot about for several things. It's guided by a five year consolidated plan and with that we go out to the community and stakeholders and we identify what the community is saying the goals are for this program and what the needs are and try to meet those and, then, each year we submit an action plan like this, so that we say how we are going to spend the money and how we are going to meet those goals. So, this is our fifth year of our five year plan and the goals that were identified during this one were public improvements, permanent housing, public services and program administration. We are -- we -- we are expected to receive 555,314 dollars this year and the way that we spend it -- there is -- there is federal caps, first of all, for admin. We can spend up to 20 percent on admin and, then, up to 15 percent for services and so we don't typically spend all of our admin and we spend all of our services that we can towards those projects and, then, after those dollar amounts are removed, then, we split it equally between public improvements and housing. So, for the projects this year it's coming out to about 8.5 percent admin, 15 percent services and, then, about 38 percent for both public improvements and housing projects. The city is responsible for the administration, of course, and, then, we also handle the public improvements. We did a walkability study at the beginning of the consolidated plan so

that we could prioritize the projects within the community that were identified and we have just been going through those. For program administration this year we are setting aside 47,000 dollars and this is just for general compliance of the program and, then, planning our upcoming consolidated plan and fair housing activities. For Improvements, that's 212 dollars -- a little over that and it's for finishing up the Northwest 7th walkability project. We are hoping to have that done this fall if everything goes well. For our other two goals, then, we go out to partners to -- for these and we have competitive applications for both long-term housing solutions and public services. For projects to be eligible they need to show that there is a connection to housing stability. They have to make sure that it's going toward people who meet the income criteria, which is up to 80 percent of the area median income and for this year that means a four person household can make up to 88,550 dollars and qualify for this program and it also has to go toward a Meridian resident. There were two projects that were selected for public services and, again, it went up to the full 15 percent, which was 83,297 dollars and these are two projects you guys are familiar with, Jesse Trees Emergency Rental Assistance Program for 41,649 and, then, the Boys and Girls Club Youth Scholarship Program for 41,648. For housing we have the homeowner repair through Neighborworks Boise that you guys are familiar with as well for 187,509 dollars and this is for those bigger projects that are focused on efficiency, accessibility and emergency fixes. So, a lot of these ones are repairing a roof or HVAC systems, plumbing, things like that and we also had this application for Habitat for Humanity and it's for critical home repairs. This one was funded for -- or proposed to be funded for 25,000 dollars and this is for projects that are a lot of ramps and things like that that are smaller things and so they are -- they are actually serving the same number of people, but it's just smaller projects and they also prioritize veterans, seniors and people with disabilities. We are also wanting to add as an alternate project our affordable housing opportunities. We don't have anything identified right now, but if something comes up and there is funding available that hasn't been spent, then, we would like to be able to use it towards something like that. So, coming up we have another public hearing on June 23rd and, then, the public comment period closes on June 29th and, then, on the 7th, then, I will have it before you for final approval and a couple weeks after that, then, I will have it submitted to HUD. So, what I'm really asking for right now is for feedback on our -- our action plan. We really want to get feedback from the community, make sure that we are addressing the needs that they said, that it's still relevant and that these are the projects that they want to see. There is many ways to participate in this and to provide the feedback. We will have a virtual open house on June 10th at 3:00 p.m. and June 18th at 10:00 a.m. so people can just call in at any point during those times and ask questions or give feedback in any way they want. We also have a survey posted to our website, so it can just take you through guided questions and makes it really easy or you can also testify at this public hearing or the next one on the 23rd and I'm also working on a few other in-person events and I will add those to the website as they come up and as always people can reach out to me directly. I'm Crystal Campbell and this is my contact information and with that I will stand for questions.

Simison: Thank you, Crystal. Council, any questions for staff?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Not a question, but just a thank you for Crystal. I was on the scoring committee this year and, oh, my gosh the work that goes into this is phenomenal and Crystal does a great job and so thank you very much, Crystal. It's not an easy thing to do, so it's greatly appreciated.

Simison: Council, any additional questions? Okay. Mr. Clerk, anyone signed up on this item?

Johnson: Mr. Mayor, no.

Simison: Okay. This is a public hearing. Is there anybody who would like to provide testimony on this item, either in the room or online? If you are online you can use the Raise Your Hand feature. Not seeing anyone coming forward or raising their hand, are we going -- are we continuing this item?

Campbell: I had thought it was two separate public hearings, but if it makes sense to continue it it doesn't make a difference to me.

Simison: Do we need to close it I guess is the question. You are the process person. I just run the meeting.

Campbell: No. No, there is nothing in our participation plan that says we have to do it one way or the other, so we can have two separate ones.

Simison: Okay. All right. Then do I have a motion to close the public hearing?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I move that we close the public hearing for program year 2026 Community Development Block Grant Action Plan.

Little Roberts: Second.

Simison: I have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

3. Public Hearing for Medimont Industrial Building (CR-2026-0001) by Geoffrey Wardle, located at 100 S. Adkins Way

Simison: With that we will move on to Item 3, which is public hearing for Medimont Industrial Building, CR-2026-0001. Open this public hearing with staff comments.

Hood: Thank you, Mr. Mayor, Members of Council. Caleb Hood, community development. I have been asked to kind of just give you a little bit of background information. You have a bunch of information in your packet tonight, but I'm going to kind of fill in some of the gaps that may be there or some of the background information. So, staff received a certificate of zoning verification change of use application, also known as a CZCU. The number on that was CZCU-2026-002 for a tenant space at 100 South Adkins, which is on the south side of Franklin just off of Franklin just east of the cemetery, not quite to Locust Grove in an industrial complex that's there on the south side of Franklin Road. Adkins intersects Franklin there. The applicant's submitted a letter and some other information dated March 25th, 2026, stating that they wanted to operate the principle's private offices from the property in the suite I just mentioned in that tenant space. Professional services are only allowed as an accessory use in the industrial zone or the I-L zone, which the subject property is zoned. The applicant asserts they are a flex space user, but they don't meet that definition in the UDC. To be a flex space, the primary use of the space must be warehousing or other light industrial uses, like manufacturing, processing, fabrication, assembly, treatment and/or packaging from previously prepared materials, with associated offices. So, office is a component of flex, but it can't be the principal use, it needs to be ancillary to those things I just rattled off and not the other way around. So, it can't be, again, the dominant use of the site. Flex isn't just total flexibility in any uses in the space. So, I think that's maybe where some of it gets crossed. Yes, we -- we can be flexible in how some of those tenant spaces are used, but it doesn't mean just anything can go in there. There are some specific use standards and definitions of a flex space and when we reviewed the application it did not meet that criteria. Just further, flex space is applied on a user by user basis, not a per site basis, so we are looking at the application of the space being applied for some time that -- sometimes that is a whole building that that user wants to operate in, sometimes, as is the case here, it's just the tenant space. What we can't do and don't do is count a hundred percent of the building and divvy up those -- those uses that I just mentioned said, well, they are warehousing over there, so you can be the office. It's within that user space is how you have to meet those percentages of a use to be -- to meet the definition of flex space. Again, the CZCU application included both the narrative and a floor plan that did not meet the definition of flex space. I believe staff has consistently and regularly applied our code the way I just described it to you and so we denied the application that's before you now.

Simison: Thank you. Council, any questions for staff?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Caleb, I'm trying to kind of walk through this if we are -- if we are looking at this on a tenant-by-tenant basis and so if flex space calls for a minimum of 30 percent of the structure and/or tenant space is what it says in the UDC. So, if we are talking structure and/or tenant space I look at that differently than as a tenant-by-tenant use and I guess how would an applicant achieve a minimum of 30 percent if they are only coming in with a single use as a flex tenant?

Hood: So, Mr. Mayor, Councilman Cavener, again, it's 30 percent of that space whatever, that is, and sometimes it can be the whole building. So, again, for easy math -- Mr. Lavoie used easy math earlier. A hundred thousand square foot building; right? If -- if you have got all of that we would want 30 percent of that building, 30,000 square feet. Could be up to 30,000 square feet for offices and other type uses. I will just say, by the way, that varies depending on the underlying zoning district in that section. I think that's the percentage for industrial versus some of our commercial zones -- are different caps and requirements for what you can have as the subordinate use, retail showrooms, office spaces, that does vary depending on the underlying zoning district. But, again, it would be if that user space was 10,000 square feet in a hundred thousand square foot building, we would want up to 3,000 square feet of that could be used for office, but the other seven would need to be for warehousing, processing, some of those other light industrial type of uses. And I will just -- maybe just one more -- some of the problem if we were to try to do it the other way, is we really can't. We don't have a business registry and we often don't know who is in some of these spaces and what happens when someone leaves, if they are the 70 percent warehousing and they vacate and we are only left with a 30 percent office, do we go kick the office out, because it's no longer a flex building? So, that does create some challenges if we were to even try to attempt to say it's the building having those ratios versus each user having those -- those ratios.

Cavener: Then, Mr. Mayor, maybe just one additional follow up. Then why in there do we list structure and/or tenant space?

Hood: Again, Mr. Mayor, I'm sorry if I'm not saying this correctly, but it can be one and the same. I can own the whole building and I am one tenant.

Cavener: Okay. But, then, what's the structure space?

Hood: That one space. One tenant for the building.

Cavener: And Mr. Mayor -- and, Caleb, I'm sorry. Then why are we delineating between the two?

Hood: Because it can be the other; right? It can be multi-tenant building.

Cavener: Okay. But how could a multi-tenant building -- if we are taking this on tenant by tenant -- achieve -- it says 30 and 20 percent of office retail space.

Hood: They achieve it individually or together. But we aren't evaluating it that -- we are looking at it at the individual application for that -- for that space. I'm -- I'm sorry we are missing each other a little bit on that, but that's -- that's the best that I can do to explain it. Yeah.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Caleb, can you -- you mentioned the underlying use might indicate percentages of use. I'm not looking at the code. I'm not sure what that is. Can you explain to me if it's 30 percent in industrial, light -- what is it for the other underlying uses? Is there a different percentage? And, forgive me, I -- I'm recalling when we had this discussion maybe a year or 18 months ago. I can't remember what it was. About flex space and we talked about how we actually come up with the -- the ratios. But I'm just not recalling right now. Can you walk me through what, if any, differences there are depending on the use type?

Hood: Sure. Mr. Mayor, Councilman Taylor. So, in 11-4-318 is a specific use standards for flex space. It does talk about office and/or retail showroom areas shall comprise a minimum of 30 percent of the structure and/or tenant space in the C-C district, 15 in the C-G district and ten percent in the ME district and 20 percent in the I-L and I-H. So, it -- the underlying zoning district is where that ratio changes. So, in this case before you now 20 percent in the I-L.

Taylor: Mr. Mayor, a follow up. Can you just -- a short brief history. How did we come to these different numbers and these different things? I mean maybe it's something that we need to clean up as a city, but how -- how did we end up with -- with these varying different percentages?

Hood: Yeah. Mr. Mayor, Councilman Taylor. So, there was a fairly recent action in mid-2025, fall of 2025, somewhere in there. I don't remember. Where Council actually did direct staff to -- you had some -- some from the development community that were here and you directed what -- how the code reads today basically. Some -- this isn't how it's always read. That was amended again nine months ago or so, somewhere in that -- in that time frame. It didn't used to read the way it does now, but those were the percentages that you heard from, again, a couple in the development community and directed staff to change -- not dissimilar from some of the discussion you had earlier on the temporary use.

Taylor: Mr. Mayor, just a follow up. I -- I remember the discussion. What I don't remember is going through each of these different zonings and deciding a different percentage. I don't recall that part of the conversation and maybe it was written and not discussed, so that could be my error. I do remember discussing some of the percentages, because we brought some of it down. Maybe it was just for a certain type

of use. So, I don't recall considering all of them, but maybe I'm just misremembering if it was written down, but not discussed.

Hood: I will -- if you allow me a little bit of that. It did happen and it was sort of on the fly and it's not worded -- I will just be honest. It's not ideal from staff's perspective, but it is what you all decided to approve, so -- it is not ideal.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Without, you know, some comparisons of where they feel the city allowed and --

Simison: Do we --

Cavener: -- kind of --

Simison: Do we want to hear directly from the appellant on their comments first or --

Cavener: Well, I guess I -- Mr. Mayor, I just -- I wanted to get some basis from staff as to what made this decision differently. If we want to wait and have staff rebut that's fine. I just -- I think that's an important piece to hear from staff --

Simison: Go ahead.

Cavener: -- as to why staff made those decisions.

Simison: Yeah. I just don't know if the appellant may make those arguments or different arguments when they get up there to make their case. But go ahead.

Hood: I'm sorry, can you repeat the question?

Cavener: Sure. Thanks, Caleb. Mr. Mayor, Caleb. The appellant lists, you know, I think -- I think seven or eight situations where they believe that -- essentially that approvals were granted under similar conditions and trying to get an understanding. Did those actions happen before Council made these changes or if you could give Council a flavor as to what distinguished those other decisions versus this one that's before us?

Hood: Yeah. Mr. Mayor, Councilman Cavener, I believe, just so I'm tracking with you, on page six of the applicant's letter from April 15th I believe those are the -- the sites you are referring to, kind of at the top of page six.

Cavener: Yeah.

Hood: And maybe without going into each one of them, I will say -- the applicant actually did a pretty good job there. It says we are allowing them to exist. That is different than permitting. And like was discussed even on the Lowe's site, things are out there that we don't permit, review and approve, but we don't necessarily permit either. The first three planning never allowed that use to go into those locations. The fourth one actually has split zoning. It's partially zoned C-G and I-L and there is a record when Bruce Chatterton was the director he made the call saying, hey, because the parcel has split zoning we are going to give you the benefit of the doubt and say your C-G portion of it you can have this use, which is really more of an office use, but we had that conversation with them. Most of the building is here, parking and other uses on that split zone property, so there was some discretion there, but only because it was a split zone site. So, you know, we will evaluate them when we are asked these types of questions, but I believe we are pretty consistent in how we apply what is a professional office and allowed or not an industrial zone or another zone and a flex space in meeting those definitions, so --

Cavener: Okay. Thank you. Thank you, Mr. Mayor.

Simison: Council, additional questions for staff? Okay. Would the applicant like to come forward?

Wardle: Mr. Mayor, Members of Council, I am Geoff Wardle. I am counsel for the applicant in this matter. My address is 251 East Front here in -- 251 East Front in Boise. No longer a Meridian resident. Sorry about that. I appreciate the questions that we have already heard and I appreciate the acknowledgement of staff that your code has some problems and I -- I harken back to a hearing that we had probably 18 months ago and Council Member Strader asked why is it you are always here on the -- the hard contentious ones and that your approach is to bludgeon. Well, that's because words have meaning and we have to give value to those meanings and we have to hold staff accountable. So, this application arises entirely from the fact that I'm representing attorneys who did the right thing at the very beginning and they ask permission and what happens when you ask permission? Well, unfortunately, here you don't get solutions apparently. So, let's talk about this application. So, why are we here? Well, this is an approximate 8,500 to 9,000 square foot building located on Adkins. It's one of many that we have in this city that are those eight to ten thousand square foot multi-tenant spaces on small parcels. This was originally platted in the late '90s. The building was built in late '90s, early 2000s. There has been other development of similar buildings there. It currently has two existing tenants, a construction -- a contractor that has a roll-up door and utilizes it for its construction offices and storage, which is a permitted use within the I-L zone. It also has a classic car broker, which is a permitted use within the I-L zone. Now, from 2020 to 2025 the Idaho -- the state of Idaho leased the 4,000 square feet that we are talking about here. The portion of the building was leased to Idaho Vocational Rehab and you can see there in those pictures it was utilized for office. Today the space is vacant. The space is empty. But the vocational rehabilitation space -- and we will talk about the building permit authorizing the tenant improvements for that here in a moment -- was entirely office. There was no storage.

There was no retail. There was no warehousing. This was office. Now, who are the owners? Well, the owner is Long Dog, LLC. Ty and Kelli Ketlinski, local attorneys with practice here in Meridian, long time residents of the area, who bought it as an investment, knowing that you have the income from the other tenants, with the desire to modify that half of the building for their own personal use. Well, for -- for their use and modification that would include their personal offices. Now, what did they ask? Well, they came in and asked initially for a fast track occupancy permit and at that point were informed, because they wanted to undertake construction to remodel the space to actually add the elements that we talk about flex space needing. Roll-up doors, storage, elements where those other permitted uses can occur. So, what did they ask? Well, their intention was to convert three of the office spaces into warehouse space for their personal use, combine two offices into a conference room, eliminate one office and add a roll-up door. So, they are attempting to bring the space more into conformance with what the code would require for flex space and here demonstrates those specific areas and revisions. So, you can see at the top in the red that would add a roll-up door to the north side of the building. The north side of the building already has a roll-up door on the south for the contractor space. It would take what had been office and hallway space and turn that into warehouse space for uses that we will talk about in a moment. It eliminated additional office space to make additional meeting space and provide an additional restroom as they contemplate future uses of that warehouse space. So, they acquired it as a personal investment. It's currently 50 percent occupied and their intention was to relocate their professional offices to there, as well as utilize a portion of the warehouse conversion for storage of personal classic vehicles and, then, Ms. Ketlinski is -- is developing an animal service business, which would be a permitted use as flex space that could be operated from there and Mr. Ketlinski is a strength trainer who has contemplated taking and creating just his own mini gym, which would require a conditional use permit and as set forth in our application, there has been no qualms in this city of granting conditional use permits in the I-L zone in similar industrial and flex spaces. So, we believe that staff is grossly oversimplifying the request and the nature of the appeal. It's been characterized as a denial to allow professional services to operate from an existing industrial building in the I-L zone. This building has never truly functioned as an industrial building and we are seeking the permits to enable our clients to utilize this as flex space. I agree with Caleb flex space does not mean a mixed use space, but we know what flex space says in your code. We believe that our request is actually an appeal of allowing an existing permitted professional office use to be modified by the property owner for various permitted conditional and accessory uses consistent with the historic permitted use. So, the error here is the denial of the CZC or even the requirement for a CZC in light of things that we are going to discuss in a moment. We also, as we will discuss in a moment, the staff misapplies and misinterprets your code as it relates to flex space and ultimately this is a violation of property rights. Now, we believe that staff has acted arbitrarily, because staff has articulated this description of, oh, it's the structure or it's the individual tenant space. But when you amended the reference to the code talking about flex space you chose certain words and I do not believe that in any universe you can articulate that 30 percent of the structure and/or tenant space justifies this notion that, well, if it's a single tenant space we will look at it one way, if it's a multi-tenant space we will look at it another way.

So, that's the first thing. The second thing is this conjunction that we hear read in the definition of flex space -- okay. You say flex space is office and/or retail and/or warehousing, but that's the definition. So, we, then, go to what are your development standards and this is your development standard here and when you adopted this development standard you adopted it with a minimum amount of office required in each of these zones and, then, you imposed a maximum amount of light industry and warehousing. You did not impose a minimum requirement there and its office and/or retail. So, I could do office that supports a warehouse and I disagree with the assessment that my client's desire to create true flex space with a roll-up door, a warehouse storage and the ability to do a variety of other businesses from it, is somehow contrary to your code. Now, we also note that professional services is allowed as an accessory use and I have tried to articulate a variety of off ramps, so that we don't have to be here and I don't have to bludgeon people. Those off ramps have not been accepted. But the fact of the matter is Long Dog is the owner. It's an investment property and the Ketlinskis are seeking to utilize much less than half for their own personal offices. That is the essence of accessory being accessory to Long Dog's ownership. Now, when we come back to this language I would also posit that this notion that staff has articulated that, well, we looked at what the individual space is and, then, we decide whether or not that use is permitted when we are considering this flex space is wholly inconsistent with your code, because under your code light industry and warehouse are prohibited in the C-C zone and only allowed with a conditional use permit or accessory in the C-G zone. So, applying the analysis that staff has applied here in the light industrial for this being professional office, you cannot do warehouse, yet your code specifically says that we will allow warehouse up to a certain amount in this other provision. Now, we recognize and acknowledge that what we hear from staff regularly is our goal is to preserve industrial space and minimize incompatible uses and I sent our summer intern out, because I think it's important to document these and I agree allowing is not necessarily permitting, but as I have shared with this body and your staff multiple times and it's been a beef of mine in this jurisdiction for 20 years, a citizen should be able to drive their car down the road, stop in front of something, look around and be able to get a sense for what the uses are permitted based upon what you have actually done and if your uses that are there do not reflect the underlying zoning that's a zoning problem that the city has not the citizens. Why? Because those would be un -- those would be non-conforming uses that you can't get rid of. So, there has been inconsistent enforcement. If the goal is to preserve the light industrial space for these uses, then, why are we allowing so many -- I mean so many conditional use permits? The goal here should be to encourage in the I-L and in flex space to encourage innovation and small operators to do it. A lot of this was driven by the fact that 25 years ago the only light industrial and only industrial development in this jurisdiction was being done on small parcels. That is not the case. You have made other policy changes. So, let's talk about the inconsistent enforcement on this parcel. First of all, there has been an engineering firm, MDS Mechanical Drafting Services, occupying what is now the premises that constitutes what vocational rehab left, since at least 2011. They were there in '11, '16, '17 and '19. Additionally, a home health provider was in this building from 2011, '16 and '17. Vocational rehab came in 2020 and was there and has been there 2020 through 2025. When this space was leased in the

summer of 2020 to the state of Idaho a TI permit was sought for the space and it was labeled as Vanilla TI. So, space was leased in summer of 2020, building permit issued in October of 2020 and the city issued the certificate of occupancy and substantial completion in December. At the time -- and here is the entirety of your file on the building permit -- the project was labeled Vanilla TI. The business name was labeled State of Idaho offices. The TI, areas the 4,600 square feet we are talking about, the change of use designation accepted by your staff was no, because the new use was office spaces and conference rooms and the prior use was office spaces and conference rooms. So, why did staff determine in 2020 that there was no change of use and that a building permit could be issued for office space and conference rooms that turned one hundred percent of this space into conference space and office rooms? Now, vocational rehab, we can debate whether that's professional services. Under your code vocational rehab is identified as a healthcare service. But healthcare services are not even permitted in the I-L zone and they were not permitted in 2020. Now we have staff telling us that, well, you can't do this, because you can't put office in the light industrial and what's -- what's the most frustrating here is it's not like we have had turnover in this department and it's not like we have had turnover in this staff. The staff responsible for CZCs has been the same the entire time. In 2020 and in 2025 same property, same use, although we are reducing the amount of office and conference space and ultimately it's the same purpose. This is a building that provides space for a variety of competing and different uses. So, what's the difference? We are not seeking special treatment. We are seeking consistency. And professional services -- I mean, again, you want to talk off ramps, professional services are accessory to the owner of the building's use and enjoyment and operation of this building. They are not using 50 percent of it for their professional offices. We could get off that way. We could also focus on the fact that if this was an existing nonconforming use, then, staff should have told us just come and get a conditional use permit and we will address this that way. But they didn't do that. We could also address it through the fact that you permit office in flex space and with your amendments to your code it's in the alternative. There are a variety of ways to do this without creating any unfortunate future difficulties, but we have to be consistent and we have to respect the duty to afford people equal protection and due process. I will stand for any questions of which I'm sure you have many.

Simison: Thank you. Council, any questions?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Mr. Wardle, thanks for the presentation and the passion. You definitely bring that. One question I have. I agree that our code on this flex space needs a lot of fine tuning. We have -- even just about a month ago we had an application that wanted to make some changes to our UDC on flex space to allow their use. I do recall the conversation eight or nine months ago that we had with -- with staff about making some adjustments to the percentages of the space. You are actually highlighting something I have long believed, which is I -- I hate to put staff in a position where they are picking

and -- winners and losers on -- on -- on uses, because it's really challenging just depending on, you know, a lot of factors. I think we would be better served to have very very little detail on some of this stuff, but that's my own personal philosophy. I guess my question is is your issue really about the inconsistency of application or is your issue highlighting a broader bigger one, which is we have kind of got a messed up UDC on flex space?

Wardle: Mr. Mayor, Council Member Taylor, my position is that my clients just want to be able to utilize the space and want a building permit. So, I really don't want to burn your code down. I know why you got here. I sat through these meetings. I have sat here as Adler has bludgeoned you guys as well on what is permissible, you know, flex space, but it's just really problematic when you approve a building permit that makes a hundred percent of the tenancy office space and the user-owner comes in and goes I want to get a building permit to reduce that to about 60 percent office, 40 percent warehouse storage and other stuff, to have staff do what they did and I agree, we don't want them picking winners and losers, but absent a clear policy change staff cannot articulate to us why they approved this and required no CZC in 2020 and required this in 2026 when we asked for it. There is no -- that is more damning than staff picking winners and losers.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Wardle, I assume you asked our staff that very question and I'm going to ask them that same question here in a minute. I would be curious to hear what your recollection was of their response.

Wardle: Mr. Mayor, Council Member Cavener, this has not been an easy process with your staff, because -- and Caleb I don't think can answer for them on this, because the individuals who are responsible aren't here, but when my assistant is discussing how we initiate this process and the staff member who is the individual responsible for the CZCs is uncooperative and says you are never going to get this approved, there is not a lot of room to work and engage, because my client's tried that. My clients came in, my clients did everything for six months of trying to address what staff needed and that's when I got called.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm curious about the CUP route and why that wasn't offered up. Help me understand where we are at today. Would your client be willing to pursue a CUP? Just curious.

Wardle: Mr. Mayor, Council Member Strader, my concern -- had -- had staff said, oh, we view this as a non-conforming use, we can address it through a CUP, we certainly would have explored that. But we are now six months after my clients have acquired this space, we are three plus months after he made this application, we have burned a month getting in front of you for various internal reasons. So, the problem I have is, okay, fine, if I come back for a conditional use permit, the fact of the matter is we still have a fundamental problem here and I anticipate that your staff's argument is going to be well it can't be a non-conforming use, because we never allowed office in that area anyway. I have reviewed your code. Jurisdictions can't be estopped. We know that's the law. But there doesn't appear to have been any basis to allow vocational rehab into the space. It doesn't appear that there was a permitted use at all for that. So, that's why I was reticent to do it. I would have explored it and had those discussions, but it has -- and, unfortunately, we have a prior landowner that my clients purchased this from that appears to have aggravated your staff on this site and another site and how these uses happened and I think that has infected the interactions.

Strader: Okay.

Wardle: And if that's what you would like us to do we certainly would consider it, but I mean your counsel will recognize that I'm going to keep my -- I'm going to keep my equal protection and due process claims alive by any means necessary.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm sure we will hear from Mr. Nary and his take on all of it. I was just trying to be solution oriented at this point.

Wardle: And I appreciate that, Council Member Strader, because citizens should not have to hire Clark Wardle for applications like these.

Simison: Council, additional questions for the applicant? Okay.

Wardle: Thank you.

Simison: Thank you. Mr. Clerk, anyone sign up to provide testimony?

Johnson: Mr. Mayor, only the applicant.

Simison: Okay. Is there anybody present that would like to provide testimony on this item, either in the room or online? Okay. Seeing no one coming forward, Council, do you want to invite the applicant back up to close or would you like to invite the applicant back up for more conversation or would you like the applicant to stay seated over there for a little bit and talk amongst yourselves?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Sort of whatever. I do have -- I do have a question I flagged I'm going to ask staff and so is it appropriate to maybe have staff respond and, then, give the applicant the opportunity for rebuttal?

Simison: Yep.

Cavener: Thanks, Mr. Mayor. Caleb, Mr. Wardle is pretty clear. He views that this is very similar to the vocational rehab. Help Council understand what -- what does staff see as the difference between the voc rehabilitation use and this proposed use?

Hood: Mr. Mayor, Councilman Cavener, Members of the Council, I don't know that there is much of a difference in the two uses. They do both seem like they are professional offices, which wouldn't be allowed in the industrial zone.

Cavener: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would love to hear from Mr. Nary, if that's okay. And so, Bill, you know, looking at this we have -- it seems like at least a couple of examples where the code is not being applied in a consistent manner. The code -- I think we could debate back and forth about the meaning of whether it's applied to the structure, the tenant space, what the definition is, but we have a situation where we have had like what looks like some inconsistency. How to address that best? Is a CUP the right way to resolve this in your opinion? Like what is the cleanest way to try to resolve this while we can try to make improvements to our code as needed.

Nary: So, Mr. Mayor, Members of Council, Council Member Strader, I think you have really hit on the -- the -- really the crux of what's here and I don't -- I don't have a great answer for the -- the -- the inconsistency that's been highlighted here in the testimony. I -- I would agree with -- with Mr. Hood, I don't think the prior use should have been approved. I'm not sure what -- what was requested. Up until recently all that I had ever been communicated was that the Ketlinskis simply wanted to put a law office in there. That was it. It was just a law office and law offices aren't allowed in industrial zones. That's not what they are asking and that's not what's being presented to you today. They are asking to use it as a flex space with a portion of it that's an office and the office I think is implied in our code, but I don't think it's that clear that the intention of the office space is supposed to be related to the flex space is what is probably intended, but it isn't required, it isn't necessarily defined. So, can you have an office space and a flex space in the -- in the same physical location and the office is unrelated or at least is

accessory to the building, but not necessarily accessory to the business? I think you can. I think -- so, I guess what you have in front of you, Council, is I think Mr. -- I think Mr. Wardle is asking for a couple of things, either to agree with him that this really isn't a change in use and that this is compliant with their code and it does allow for them to have the law office in a portion of it, to allow the other uses as they anticipate to use in the future and they are trying to -- to prepare the space for these other uses. It does put a challenge on the staff, we -- we can't monitor every use and I have really been hesitant that just putting a roll-up door doesn't make a place a flex space, but I get that you also have to prepare for other uses and so that's kind of what I think one avenue you could take is that they are really compliant, but they are not completely, you know, in using that today, but it does meet the intent of the code very broadly. The other alternative is as you just stated, Council Member Strader is if the staff was unclear or unsure and maybe, again, they misunderstood or misinterpreted what was being requested, but -- but the -- the -- the -- the staff could have certainly said, look, we don't think it complies with that, but it might comply under a CUP, I think what -- Mr. Wardle is correct is they may have said I don't think a CUP is allowed either. So, we are going to -- we would recommend denial of a CUP anyway or we don't think that's allowed. But that's an avenue they could explore. Or the avenue which I think the staff did direct them to, which is appeal their CZC denial and come to you to say does it either fit? Is there a better alternative or is it truly not consistent or compliant with your code? So, I do think there is a lot of other things and, again -- and I have known Mr. Ketlinski for 25 years, too, so I don't think there is anything here other than trying to comply. So, I do think that -- that you have a couple of options here and I think all of them are pretty reasonable. So, I don't know if that answers your question completely, but I think there is certainly avenues here for resolution that would make sense and aren't as Mr. Wardle said -- not trying to really rewrite the code by one decision. I don't think anyone wants to do that and I don't think he is asking for that. I think they are just looking for a more rational decision from all of you to one of these directions that would make the most sense. Clearly they would like you to just agree that it complies. But whichever one you choose I think is a reasonable resolution for any of it. And I would agree they never should have to hire Mr. Wardle just for that, so that's fine.

Simison: Council, any additional questions or would you like the applicant to come up and make any closing arguments or statements? We won't say he is arguing. He is -- he is stating. Bludgeoning?

Wardle: Mr. Mayor, Members of Council, Geoff Wardle once again. I want to make two observations. One, I disagree with Mr. Hood's assessment that office is not allowed in light industrial space. It's allowed as part of your flex space. It's also allowed as accessory. Vocational rehab was not permitted under your current code. It's not -- a healthcare use is not permitted in the I-L. So, you know, again, when I offer off ramps we are not trying to be cute, we are just trying to -- if the goal is to bring space more into compliance than it historically has been that's what my client's intention has been. Second, as to Mr. Nary, I agree there are a variety of ways that we can get to where we need and it is -- it's unfortunate that the scope of what my clients have asked for was not fully articulated up from the planning department to the people that have worked on

this, because we have tried to be as clear as possible about what we are doing, because I know that helps to explain things. But Mr. Nary indicated -- said, well, we don't know what was done in 2020, but we have to hold the city accountable for its approvals and this is your building permit document and your building permit document in 2020 said the new use is going to be office space and conference rooms and state of Idaho offices and it didn't constitute a change of use at that time to do it and we can talk about the whole issue of whether or not taking that and the Ketlinskis purchasing it for investment and a variety of uses constitutes a change of use, I do not believe that does under the building code, which is why we are here. But I think there are ways to move this forward. But clearly this has been an application that I don't think -- well, it didn't need to get to this point, but it is. So, with that I would request that you grant our appeal and direct staff to issue a CZC flex space allowing office or approve the CZC recognizing flex space with Ketlinski Law Office recognized as an accessory use being accessory to the owner investment property of the property and the whole operation and with that -- let's -- let's get out of here.

Simison: Easy for you to say. We are here for a while tonight. Council, any questions for the applicant?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mr. Wardle, just refresh my memory. I'm looking at a document here from 2020. I was not here in 2020. The document says that it is a consistent use. There is no change in use in 2020. What was there before -- just refresh my memory --

Wardle: Before it was the engineering office. MDS had occupied a portion of this space.

Whitlock: Not the entirety of it.

Wardle: Not the entirety of it, but they occupied that half of it -- a portion of it and they were in Suite 101 and, then, Vocational Rehab came in and took the remaining portion of the space.

Whitlock: I guess where I'm -- I'm struggling, Mr. Mayor, follow up, is just -- I can see in 2020 that maybe that wasn't the right decision, that it may have been a change of use or at least an expansion of the entirety of the space to office use. I can see that and I hear your argument about all you want is consistency and I'm trying to reconcile in my own mind is what -- what do you want consistency with? A decision that was probably made in error in 2020? I don't know. Or a decision that changed the use in 2020. Even though the documentation says there was no change in use. In my mind if only a portion was being used prior to that for office space and now it's in its entirety, there is a change of use. So, I'm just trying to reconcile consistency by your definition and my definition and what we are consistent to.

Wardle: Well, consistency of -- Mr. -- Mr. Mayor, Councilman Whitlock, consistency here is that if our goal is to have light industrial space that includes flex space and all of the other things that are permitted with it, when an applicant comes in and says, hey, you have some space here that probably doesn't meet the intent of your code and we want to make it more like this, especially where we are investing in it for ourselves and for our own personal use -- I mean this isn't a situation where the Ketlinskis have me here asking you to let them rent to a law firm, this is where the Ketlinskis are going we want to renovate this -- we want to renovate half this space, we want to keep the other half for our personal offices and to run that out of it, but, then, we have these other business uses, which would be permitted with either as a right or with a conditional use permit that we may do in the future and that's why we are investing in it. It's not just a roll-up door. It's eliminating office space. It's adding bathrooms so that you can have those elements. So, when I say consistency -- I guess the other thing, too, is when you drive into an I-L zoned property in Meridian, Idaho, you should be able to understand what your code requires and your code clearly is not being enforced when it comes to the provision of professional, personal and healthcare services throughout your I-L zone and what's the solution to that? Well, the solution isn't to go throw those businesses, out the solution is to conform your code to the reality of what this community is doing. All right. Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I think we are at that point where we could probably close the public hearing, unless there is more questions from my colleagues. If not, I would make a motion that we close the public hearing on Item No. 3.

Cavener: Second.

Simison: Have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Start off with some -- some comments here. I -- there is three words that kind of I'm thinking about here. Consistency. Predictability. Precedent. I think consistency from the city is always important. That's why we try to be consistent when we are looking at an application. At least I know personally myself and I know my colleagues do as well. If we are following the ordinances of the city, the zoning requirements, being consistent in how we make decisions is -- is important. I think predictability from the

community and how they work with us is incredibly important as well. A jump ball, so to speak, when an application comes forth or use is -- is -- is really a difficult situation to put anybody in and I know that nobody intends to ever do that, but I think we should be mindful that some predictability as people work with us is helpful. They look at what the city code suggests, the uses and, then, they make decisions -- often significant financial decisions based on some of that. But I also think of the word precedent and understanding that part of the predictability is looking at how the city has dealt with some similar situations and what the city has done to try to understand what they could expect. I think it's unfortunate that we have put our staff maybe in a position that's a little bit unfortunate. I think that's -- maybe we ought to take a look at some of our -- our language in code to make sure that we aren't putting our staff in a position that's unfortunate for them. They are -- knowing them and knowing them well, they are -- they are always trying to follow the direction that councils today and council previously with the ordinances we have passed to apply the law fairly. But if we ever put them in a situation where their judgment is being questioned, I think, you know, we should look at how we can prevent such situations before and I don't think there is any malice, I think you actually had that in your slide. There is no malice from staff here. There is maybe a disagreement in how the law is applied. I think for me when I -- I think if -- you know, if our lack of consistency is a stumbling block to someone being able to exercise their private property rights, that's our problem and I think that we need to look at ourselves and figure out how to -- to -- to make that right. I think that starts with Council to -- to maybe direct staff to -- to help us be a little bit more consistent in -- in all of this. Under the current situation I think Councilman Whitlock has a really fantastic question. What -- what do we want to be consistent with? Consistent with a wrong decision that was made in 2000 or 2001, whenever that was. That's a really great question. I think from my perspective consistency in predictability about how we have -- this particular property, how it's been allowed to be used and operated is some -- something where I'm compelled to say -- I think I would agree with the applicant that the attempt here is really meant to -- they just want to use the property. I think it's in line with the code. If -- if code needs to be cleaned up I think we should look at that, but I think the lack of consistency from the city -- that shouldn't be a problem for the applicant here and I think that I would -- I am inclined to agree with the applicant's request tonight, but I'm open to any other thoughts as I'm thinking through this as well. But just some opening thoughts.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just reading the code, I'm not convinced based on -- on reading through it that this is meant to be analyzed on a kind of tenant-by-tenant basis. I don't even know that that makes a lot of sense. So, I think we need to think through this. I think we do need to clean up our code and take a look at it. But I just think from a practical perspective there really is not a change in use and, if anything, they appear to be trying to bring the building into more compliance with what we are asking for. So, just -- you know, maybe we are getting caught up -- or maybe staff's getting kind of caught up in the technicalities and they are definitely doing their best. I don't think that they had any bad

intentions, I just think this is something where, you know, a decision was made previously on this exact space where clearly office was allowed. I want to be consistent with it. I personally think we should just say it's not a change in use and -- and that it's compliant. But I do think that this definitely raises some important issues that we need to address in our code. That's kind of what I'm thinking right now. I'm open to hearing other people's thoughts.

Simison: Maybe I will just share thoughts, because that's where this is -- and Caleb's heard me say this and others in the department that, you know, I'm not a fan as a general rule personally -- just me personally -- of mixed use meaning you have to put three different users on the exact same parcel. No different that I'm -- the -- all this flex space conversation we have I generally haven't been a fan of, because it does create a lot of ambiguity -- ambiguities or question marks about what truly makes sense on any given parcel, in any given building and I don't think as a community or staff that we want to get into the level of work necessary to ensure compliance to a level that would be above and beyond how this community operates in a lot of ways and, yes, ask permission versus forgiveness, unfortunately, is not the way you want to see things operate, but it is what happens unfortunately, you know, when people go in and do something and, then, they get caught and, then, you try to find a way to -- and I say get caught -- not because they are even being malicious, but people see a piece of property, has a bunch of offices in it, you think why can't I put my office in that property? You know, there is -- there is that side of the equation. But, you know, I'm not putting on their professional hats of what they are trying to accomplish, but I think it's also, you know, whether there are arbitrary numbers, whether you are trying to find a way to enforce a number or does it make sense and so ultimately what I look at it like in a lot of ways -- especially in these spaces, whether it's a mixed use, whether it's a flex space, whether -- whatever you want to call it, as a less intense use moves in buyer beware in a lot of ways from my perspective. You know, if this is industrial and you want to put something in there that's not industrial, you might have to deal with what's going to happen around a school facility right across in the -- in the backyard that maybe who knows what it becomes and those other things, but we also understand that that can also lead to complaints in the future from tenants who maybe -- maybe they leave, they move out, someone else moves in and the next tenant is calling code enforcement trying to get everyone else to comply to what their expectations are. So, it can have downstream impacts. I'm just saying it's -- these are -- these are not fun conversations when it comes to -- I don't want to use the word arbitrary, but ultimately we set the numbers that are arbitrary. Staff is trying to make decisions. There is several different decision points all the way around in every single land use application no matter how you look at it, when you look at it, we do our best, they do our best, but what makes sense? What's the common sense solution in this location? To me it's -- we have a property owner, a user that wants to move in and utilize the space. That seems to be common sense if we can get there.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Unless there is any other comments from my colleagues, I will just make a quick comment. I'm going to make a motion. I agree with a lot of what you just said. I take a step back and I think it's crazy that we should be that involved in what's going on in some of these buildings. I mean approving the type of use in the zoning is one thing, being really involved in -- in a lot of some of these -- what I would consider very minuscule decision points is -- I don't think that's a place -- that's a great place for us to be or for staff to be and I think it's something that we should look at holistically as to what's the right level of involvement from the city in these types of decisions. A bigger broader question maybe for another day. With that I would make a motion that we overturn the director's denial of permit CZCU-2026-0002 to allow a professional service to operate from an existing industrial building in the I-L zone and if -- Bill, if I need to change that motion in any way would you, please, advise?

Nary: I think that's okay. I think what you are basically wanting is to grant the -- grant the appeal and issue the CZC I think is on the request for Mr. Wardle.

Taylor: Yes. Yeah. Correct. That's -- that's what I would like to do and I think my motion captures that.

Cavener: Second.

Simison: Have a motion and a second that I'm not going to repeat. Is there any discussion on the motion? If not, clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, yea; Whitlock, yea.

Simison: All ayes. Motion carries and the item is agreed to. Good luck.

MOTION CARRIED: ALL AYES.

ACTION ITEMS

4. 2026 Legislation Impacting Cities

Simison: Okay. Council, are we ready to move on to the next item? Okay. Then with that we will move on to the new Item 4, which I don't have my last official title, but legislation impacting the city that was passed by the Idaho state legislature during this last legislative session. Turn this over to Ms. Kane.

Kane: Good Evening, Mayor and City Council. My name is Emily Kane. I'm a deputy city attorney in your city attorney's office and I am here to present on some selected bills that were passed by the 2026 Idaho Legislature. So, they were busy this year, 722 bills were introduced, 344 were passed and of those I count 56 that impact cities. There may be more or less depending on the -- the specific application, but that's a general rough count and I'm going to talk to you about 22 today. I will start with -- I have

grouped these kind of by department, so I will start with Public Works. House Bill 555 changed Idaho Code Section 39-7424 and said that -- it now says that municipal landfills must pay an annual fee of 4,000 dollars for DEQ inspection. This was a function formerly handled by health districts. So, the impact to the City of Meridian is that our landfill fees may increase. House Bill 721 is -- amends Idaho Code Section 39-4113. It -- this bill requires municipal public works departments to complete their plan review of public school buildings within 30 days of submission of the plans to the city. So, Public Works is prepared to update internal SOPs in their trainings to ensure compliance.

Simison: And, Council, I assume -- if you have any questions I would stop as we go along the way instead of waiting until the end. Take them up one by one.

Kane: Okay. House Bill 749 is -- amends Idaho Code Section 50-222, subsection five. It says that involuntarily annexed property owners can't be required to hook up to city water and -- and sewer. If city -- it also says that if city construction causes the failure of a well or septic system, then, the city must pay for any costs that are incurred by the private property owner to -- to repair those. This is -- this situation I'm not sure has ever come up and would be rare. But if -- if it does you have been warned. House Bill 561 is the -- it's kind of known as the flag bill. So, this amends Idaho Code Section 67-2303(a). The -- the code -- this code requires flags -- all flags that governmental -- or sorry. This code regulates flags that are flown over city -- over government property. So, basically, all flags are prohibited except those that are specifically listed in the statutory exceptions and this bill changes some of those exceptions for the flags that are allowed to be displayed on city property. This -- this bill also adds a civil penalty. So, if there is a violation of 2,000 dollars a day and it empowers the Attorney General to enforce the law. The -- some of the -- some of the exceptions for flags that are allowed under this bill -- official city flags that were established prior to 2023. So, that our Meridian City flag was established before that date, so it is allowed. Other countries' flags in recognition of historic, international and cross-border relations, that's usually the Basque flag or the Canadian flag. Flags of colleges or universities. And, then, flags, banners or pennants displayed on city-owned flagpole, streetlights, property -- or property that are not political, religious or ideological in nature. So, the only flags that are flown other than the US flag and the City of Meridian flag are the Tree City USA flag, which was displayed at parks properties and that one's okay. That's not political, religious or ideological. And, then, the seasonal banners, the Christmas in Meridian or trunk or treat banners that are downtown or on the islands on Main Street, those are also allowed. So, this bill does not have a practical effect on the City of Meridian.

Simison: Council Woman Strader.

Strader: This microphone system is driving me crazy. So, help me understand the seasonal piece. Are you feeling confident that we are in compliance? Because -- like is there any risk that that could be interpreted as being religious, as opposed to just seasonal? Like help me with that piece. I just -- I don't have any issue with it at all. I just want to make sure that we are not running the risk of being out of compliance.

What does it mean if -- let's say that we did do that and somebody took issue with it, like what would happen I guess is my question.

Kane: Uh-huh. Mr. Mayor, Council Woman Strader, the -- the -- if there were to be a complaint and a violation -- or complaint of a violation, the Attorney General's Office would investigate that. There would be -- there is a warning, so we would have a chance to make our own assessment and take kind of -- assess the risk and take them down if we felt that that was a correct complaint. With regard to our seasonal banners, the -- there are -- there is -- I am confident that they would all be allowed under this bill. There is a largely secular aspect of our Christmas celebrations. They are not religious. So, I'm -- and that has been upheld in other jurisdictions. So, I'm confident that even those would be upheld and not the subject of a complaint and that our other seasonal banners are not tied to any religious holidays.

Strader: Okay. Thank you. That's helpful.

Kane: House Bill 583 relates to short-term rentals. So, Airbnb and VRBO. This -- the City of Meridian doesn't regulate these, so this is just for your awareness. We do get a lot of questions about them. But local regulations of short-term rentals are allowed only if that same regulation applies to all single family homes. So, they are really treated as any other single family home. Cities may not impose licensing permits or registration for those which we already do not. So, we are already in compliance. House Bill 706 relates to the International Building Code. So, it currently -- the International Building Code currently requires two stairwells for multi-family buildings. This requirement predates all of the fire suppression measures that are available, sprinklers, enclosures, pressurized stairwells, fire rated corridors. The new law does allow one -- so, we would be -- we would be allowed -- the city would be allowed to do a local amendment of the building code to have one stairwell in buildings -- buildings that are under six stories, one thousand square foot per floor, four apartments on each floor. This is really a measure to facilitate multi-family buildings on in-fill lots, because those are strangely shaped or smaller, but this would allow a more flexible interpretation of the building code for a smaller apartment building, as long as it -- it does have those fire suppression measures, then, that would -- that would address the issue that is also addressed by having two stairwells and two exits. So, the departments can assess whether that would be something that would be appropriate for -- for us --

Taylor: Mr. Mayor?

Kane: -- for the city.

Simison: Councilman Taylor.

Taylor: A quick question. So, this is something that cities can opt into doing is -- as a -- an amendment to our own building code or is this -- it's -- it's by locale. It's not a statewide building code decision; right? Like it's -- if the City of Meridian wanted to opt

in we could, we would just have to make some changes, but it's not mandated or required?

Kane: Mr. Mayor, Council Member -- yes. So, this would -- this authorizes us to amend -- to do a local amendment of the International Building Code. So, the IBC that's currently in effect does require two stairwells, but we could change that. Okay. House Bill 895 relates to data centers. It states that they may not use water for cooling, unless that is supplied by a municipal system. So, UDC updates may be necessary. The Community Development and Public Works are assessing that. House Bill 585 relates to electrical plumbing and mechanical inspections. It says that those must occur within 48 business hours and if they don't the permit holder may hire a third-party inspector and the city would have to refund the inspection portion of the permit fee, as well as explain the delay or refund ten percent of the fee. So, this is -- the building division will update their RFPs, their contracts, their training, but this is something that we are already compliant with. So, we don't foresee an issue with complying with this. House Bill 800 allows -- well, the state code currently requires that manufactured homes be a minimum of one thousand square feet. But under the -- under this new law they can be smaller. The UDC does not currently regulate square footage of manufactured homes, but this -- this law changes minimum dimensions from -- it allows them to be at least 400 square foot for single and 800 square feet for double or multi-dwelling. It also changes the law to state that the city must allow multi-dwelling manufactured homes. So, right now the state code does say that manufactured homes have to be allowed everywhere where a site built residence -- residence is allowed. So, now that is also extended to multi-family. So, manufactured buildings have to be allowed within the city for multi-dwelling -- or for multi-family. Under the -- under the new code those homes must be allowed -- well, in zones that are -- in areas that are zoned for multi-family. So, the Community Development Department is preparing some UDC updates that would -- that would accommodate the manufactured homes in multi-family, as well as single family zones. House Bill 1352 addresses starter home subdivisions. So, this is a new single family home development on four or more acres. The City of Meridian does not have a separate category called starter home subdivisions, we just have subdivisions, so under this law the city would have to -- well, so by February 1st we must amend the UDC to delete minimum lot sizes that are larger than 1,500 feet for starter home subdivisions or for subdivisions. So, this means that the city must allow 1,500 square foot lots in all residential districts. We will have to delete any front and rear setbacks that are more than 15 feet, so that will affect the city. Our front setbacks are currently set at 20 feet. We also need to deal with side setbacks, front widths, lot -- lot depths. We need to allow 12 units per acre of density. So, this law really just dictates what the comp plan and the land use code must say with regard to these standards. So -- so, Community Development is preparing updates to the UDC that would accommodate the requirements of this bill as well. This wouldn't change --

Taylor: Mr. Mayor?

Kane: -- building code, fire code, water and sewer standards or anything like that. It's just the dimensional standards that need to be updated.

Simison: Councilman Taylor.

Taylor: Emily, could you clarify -- because I saw on the previous slide it said cities cannot ban starter home subdivisions which we don't have. So, then, we have to apply that to all our subdivisions, if I'm understanding it correctly. Could we create starter home subdivisions and, then, have those requirements only apply to those subdivisions and not have it apply broadly to all of our subdivisions?

Kane: That is a good question.

Taylor: And it might take a finer reading of the law on that, because I think the intention was that legislatively they wanted to encourage starter home subdivisions and that we couldn't ban them, but I think applying this across all of our land use in residential use seems like it's a problem, but if we created a starter home subdivision as an option, then, that would be a way for these things to be applied in the city, but maybe not perhaps applied broadly. That's a thought.

Kane: Okay. Thank you. Mr. Mayor, Council Member, I might need to defer to Caleb.

Hood: Yeah. Mr. Mayor, Councilman Taylor, Council Members, that is essentially our approach, although the statute does require the city to consider, allow, approve them in any residential district. So, we are adding a definition of starter home subdivision. We have to allow them in R-2 and R-4 and R-8 and R-15 and R-40. So, 12 dwelling units per acre in R-2. It could happen. Only if your four acres or more and the lot size is 1,500 square foot or less. So, there are some qualifications. It's essentially what you said, but that's our approach and, then, we also have to amend the comp plan to talk about that and starter home subdivisions being allowed, because you got a conflict there with our comp plan, says low density residential -- well, not if it's a starter home subdivision anymore. So, there is a companion to the UDC changes we are working on. The comp plan changes will be coming as well.

Taylor: Mr. Mayor, just --

Simison: Councilman Taylor.

Taylor: So, we will be adding -- we need to add this to our code, starter home subdivisions, but if a land use application comes in -- if they don't want a starter home subdivision as part of their application, then, the rest of it wouldn't apply to the rest -- you know.

Hood: I think I'm -- I'm tracking, so let me try again. So, this is an allowance not a requirement.

Taylor: Okay.

Hood: Starter home subdivision in any residential zoning district throughout the city going forward after it changes. It doesn't mean you have to do this, it means if you meet those qualifications per the state statute we have to process you and consider that and allow it. So, we are not -- we are making the allowance. We are not -- we are not going to the lowest common denominator for every site and everywhere and saying, hey, zoning doesn't matter anymore, although it kind of doesn't with these changes. You can do this wherever. But we are not necessarily telling you you have to, if that makes sense.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: All right. So, if it must be allowed in any residential district, what this means is -- I just want to make sure from my understanding. So, anyone that meets the requirements of a starter home subdivision, we have no discretion at that point based on setbacks or based on lot size, but does it change our discretion around other annexation considerations? Like do other considerations still become applicable?

Hood: So, Mr. Mayor, Council Woman Strader, two other attorneys here, but I will start it anyways. So, yes, I think the annexation is a different discussion. You have to get there first. So, if -- if you don't think it's in the best interest of the community to annex the property, but you will have some properties that are already zoned these things and then -- and I will even just say there are some sort of outs within the statute. For example -- and I don't know -- at four acres you are probably not going to get there, but if it's 400 acres of 1,500 square foot lots and we have got an eight inch sewer line, we can go wait, wait, wait, we can't service that, because we never planned to service three times the density that our infrastructure can handle. So, there are some small sort of caveats to the thou shalt allow or approve. There is still some discretion you all will have in that. But it -- it is pretty narrow.

Simison: Is there anything, though, to prevent an annexation for a typical subdivision and then -- then to modify it once you are annexed?

Hood: So, Mr. Mayor, I guess to answer that question, typically 99 percent of the time we have a development agreement and we are going to tie it to a concept plan. So, you can't do the bait and switch of, oh, we will annex it as R-2 and, then, come in later with a -- so most of the time we have a development agreement, a contract that runs with the land, so you could still do that if you modified the DA and went through that process, but it's --

Simison: So, talking to the attorneys, then, would the DA protect that over the state law that says you have to allow it if they are annexed?

Nary: Mr. Mayor, Members of Council, until a court tells us different I would say the contract does apply. It would not be preempted unless the state code either changed

and said it preempts all of them, which the state legislature has done before, but it hasn't here or otherwise a court says that that contract is preempted by right, which I have not seen that before, so --

Simison: Okay. Thank you.

Miles: Mr. Mayor?

Simison: Mr. Miles.

Miles: I just wanted to add -- flexibility and insight. I think in all of the housing bill conversations I know there is going to be a lot of questions. We are happy to answer them as best we can tonight. We do anticipate coming back to you with recommendations of an approach. So, I wanted to share that with you. We have been talking about these at length already. There is still significant questions I think a little bit to the questioning I have heard recently. The cities still have the right to even deny applications like this for infrastructure. There is no definition of what infrastructure is. So, that could -- in my mind could that mean roads? Could that mean schools? Could that mean all the other infrastructure? So, those are the types of things we are navigating and trying to get you information when we plan to bring back a full depth conversation on these specific topics. Hopefully that helps a little bit more.

Kane: Okay. Keep going. So, House Bill 1354 is related to accessory dwelling units. So, cities may not ban accessory dwelling units in residential zones or impose restrictions that are more restrictive than exist for single family homes. This bill defines accessory dwelling units and does clarify that motorhomes, campers, RVs, tiny homes on wheels cannot be used as ADUs. Building codes, fire codes, water and sewer regulations, easements, setbacks, those all still apply. Again more comp plan and UDC amendments are required by February. One detached ADU is allowed in the rear yard of any residence. We must remove off-street parking requirements for ADUs. The law does list a number of exceptional circumstances where that would not be required, but none of them appear to apply to the City of Meridian. We are still looking into that. The -- we need to remove any greater impact or connection fees that we would have for ADUs. Remove size and height restrictions. If they are less than one thousand square feet, which ours are, the UDC currently limits ADUs to 900 square feet. Planning will probably recommend a code revision that says ADUs may be up to one thousand square feet or 75 percent of the size of the primary dwelling, whichever is greater. We do not -- we no longer have owner-occupancy requirements, but those are no longer allowed. We have to approve ADUs as a matter of right. There can be no discretionary consideration and we must remove any standards or procedures that discourage ADUs. So, again, Community Development is preparing updates to -- that would accommodate this -- these requirements.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Just for future reference, I think that was a Senate Bill 1354.

Kane: You are right. Thank you. My mistake.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor and Emily -- first of all thank you for all of this and I think I know the answer to this question, but for all of the HOAs that have banned ADUs, that clears their right to ban them, doesn't it?

Kane: Mr. Mayor, Council Member Little Roberts, that's a good question. The -- so, I don't recall exactly -- there is a separate -- there is a separate law regarding HOAs and there is a date at which they -- I believe there is a cut. So, starting now HOAs really can't do anything about ADUs, but I believe that if it predates a certain date, CC&Rs can ban ADUs. So, it's, essentially, a contract. But the enforceability of it will get very tricky I think, especially with this -- when this bill goes into effect in July. So, HOAs have lost a lot of power in -- in this area in particular. So, I think we will see more ADUs. This does really take away a lot of that and in concert with the other laws on the books for HOA, does really take away a lot of that -- the regulations for ADUs.

Little Roberts: Thank you.

Kane: Okay. House Bill 500 relates to electric assisted bicycles or e-bikes. There was a magistrate case where the court found that e-bikes were not human powered vehicles and as a result there was a citation against the driver who hit an e-bike and that citation was dismissed. So, this closes the loophole. It just says that rules of the road for bikes -- bicycles -- regular bicycles also apply to e-bikes. This was the only e-bike bill that passed. So, police training will incorporate this information and that's -- that's the change that we will see, although it was a pretty obscure loophole, so I think it will not change what we are -- what we are seeing.

Simison: And just for clarification, this is e-bikes, not e-motorcycles.

Kane: Correct. Correct. House Bill 533 removed the registration sticker requirement. So, those are going to go extinct. Only valid license plate and registration will be required. House Bill 752 is the bathroom bill. It is now a misdemeanor to enter a restroom that is designed for use by the opposite biological sex. There are a number of exceptions, including custodial, medical, detainees at the jail. If there is an emergency -- a state of emergency that's been declared. It's a coaching scenario in a sports context, helping dependent children or if there is only a single user restroom that's reasonably available and, finally, when the user is in dire need, this -- they can -- they can enter a restroom designated for use by the opposite sex. So, training will incorporate information about this. House Bill 1326 is a -- so, this is already in effect. This went into effect March 31st. It prohibits government agents from entering private

land that's not open to the public without a valid search warrant or exigent circumstances or consent of the property owner. There are exceptions for county noxious weed abatement, but not for city nuisance weed abatement. There are a number of exceptions and none of them apply to nuisance abatement. So, we have already successfully obtained one search warrant to abate weeds on private property. So, we figured out how to do that and that's what we are doing moving forward. It's -- it -- it turned out to be pretty okay. It was pretty easy. So, I think it just adds a day or two to the process. House Bill 642 provides surviving spouse or dependents with PERCI benefits in the event of a catastrophic injury that results in the death of a police officer or a firefighter and under this law the employer must pay the first 100,000 dollars of the benefit. So, hopefully we never have to experience this, but this is just for your awareness. House Bill 686 makes it lawful for a government agency to employ relatives of elected officials only if the employee held the position prior to the election of that official. So, we will need to update our SOPs related -- relating to nepotism. The city code is already in compliance with -- with this bill. House Bill 1261 extends to elected officials, the benefit where a retired PERCI recipient can keep receiving PERCI benefits without accruing additional service credit and without having to make contributions to PERCI, either the employee or the employer. House Bill 894 says that nobody attending a public meeting can be prevented from recording the meeting. City council could take measures to ensure the orderly conduct of their meetings, but not in a way that would exclude people who are recording. This does not apply to executive sessions. So, that doesn't extend the right to record to executive sessions. I would recommend updates to your meeting rules to accommodate this. It's -- you are already in compliance. No one's stopping recording. But it would be helpful I think to have a written rule for -- to state that this is allowed. House Bill 1376 changes the way that the city clerk's office handles declarations of candidacy. Those are now filed with the city clerk. The city clerk does have a new job, which is to review and certify the candidate's eligibility when the -- within 48 hours of the county clerk's notice of the final list. The city clerk is also to provide to the county clerk a map of the city council districts by January 1 of -- of every election year. So, this just is a new role. Instead of being the primary office that processes the declarations of candidacy, the City Clerk will only verify the declaration of candidacy. House Bill 967 relates to the state liquor account and redistributes the -- the -- the money in that account. I won't read to you the whole formula, but the portion that was allocated to the cities is -- goes down. So, the -- the county's portion for magistrate courts goes up and the impact to the city is that the funds available to it from the state liquor account will decrease. House Bill 1350 is contemplating the extinction of the penny, so it will allow sellers to round to the nearest five cents in case -- if there is a penny shortage, so for us it provides that the rounding difference is not a fee, so it -- it does say by state agencies specifically, so that's an interesting gap for cities, but I would say that that indicates that it's not a fee for us either. So, Finance is aware of this and they will advise -- advise all of our points of sale and look into an SOP. That is it. Are there any questions about these or any other bills?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I don't have a question. I have a comment. I have been really vocal about it, but, you know, where your showed out of 344 pieces of legislation that went through, 56 are directly impacting cities. That's 16 percent. It's just a huge focus of the legislature on the last couple of years. It seems to be accelerating and I just want to say I -- I don't appreciate the level of micromanagement, especially on land use items. I think it's inappropriate. We have plenty of opportunities for officials and citizens to serve on our commissions, on our -- you know, certainly on our planning commission. We have plenty of opportunities for them to weigh in on a number of opportunities and it just -- it feels like that -- and I -- this may not be the intention -- I'm sure it's not the intention of individual legislators, but when you look at it as a whole it's hard to come away from this without getting the impression that they are trying to punish cities or hurt cities in some ways. That is the impression I'm getting and I just want to flag that, like I'm -- I'm pretty offended by the -- the level of micromanagement coming from the legislature and I think that the answer is more dialogue and more interaction and helping our legislators understand, you know, what it's like when you are in local government and the challenges that we face and how we do try to balance everyone's interests. Just as one example, you know, it didn't -- didn't go through, but there have been bills about just abolishing HOAs on a wholesale basis. Like some of these things I think would -- would incense the citizens of Meridian and when we are forced to make decisions by the legislature, I intend to let our citizens know where to bring their complaints to. We have land use decisions all the time where we regularly get, you know, 50 to 100 people that show up that are upset and if we start having to make decisions and our hands are tied, I'm just going to tell those folks where to direct their complaints to.

Simison: I think you will appreciate some of my speech tomorrow.

Strader: Looking forward to it, Mr. Mayor.

Simison: Okay. Any additional questions, comments?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Emily, thanks for the trip down memory lane for a couple of us that lived this. A little bit of PTSD tonight for me. But I agree with Council Woman Strader. I think -- I think there has been significant overreach and it's going to be taxing on our agents -- our departments to implement all of this and when decisions are made and people are angry and our hands are tied, I think we do have to point back to where -- where this is all emanating from. So, thanks for highlighting all of it for us and a lot of work ahead.

Simison: Okay. Thank you very much.

Kane: Thank you.

Simison: Council, we will take a five minute break before we go into the last item real quick, just to take care of any business you have and, then, we will get going in five minutes.

(Recess: 7:58 p.m. to 8:03 p.m.)

5. Addition of Prosecution Services to the Meridian City Attorney's Office

Simison: All right. Council, we will go ahead and come back from our recess. So, we will move on to Item 5, which is addition of prosecution services to the Meridian City Attorney's Office and I will turn this over to Mr. Nary for what I'm sure will be a team presentation discussion.

Nary: Yes. Thank you, Mr. Mayor, Members of Council. Yeah, with our team Emily Kane and Tishra Murray are here as well from our team. They -- all of us together -- them primarily have done a lot of the work since the levy election last fall and meeting with the county, meeting with other stakeholders, meeting with the courts to put this together -- to put together this presentation for you as to what's needed and it's kind of a two part process. I mean this is a budget amendment that's in front of you tonight for review. It's not up here yet. That's okay. But there is a budget amendment in front of you tonight for this fiscal year to get this process started and, then, you will have continued discussions at the budget hearings starting in a few weeks for the continuing process for this to go forward into the next fiscal year and beyond, but -- okay. So, a little bit of history. And I only went back to 1985, because that's as far back as I go. They have been doing prosecution for the city through a contracted prosecutor even before 1985, but that's as far back as I go. They had a private firm, a local law firm that did the city attorney work, both civil and criminal, and we did the prosecution work up until 2002. So, in 2002 there was a lot of discussion with the city in wanting a different model. They didn't like the private firm model. The private firm model had been inconsistent. They had some people that were really good and really engaged and really connected with the police force and they did a really good job and, then, we had other prosecutors over the years that weren't quite as connected, weren't quite as engaged in the prosecution process and so the department wasn't very happy and so they asked the city council at the time to look at some other model and we put that out to bid and had a contract with the City of Boise we have had since 2002 and it's been very successful and we have had good luck with them. The cost has been very manageable over the years. It's grown obviously. I think it started back in 2002 at about 150,000 dollars. It's now about 850,000 dollars. But it's been a pretty successful run with the city of Boise. Now, the desire is to move those services in-house and to move them from a contracted service to an in-house service that would be managed by our office and so this is a compilation of a lot of time and effort and work that's gone into it to bring to you what this is going to take to do this effectively, to do this as efficiently as we can and so we can get right into it now. This is what prosecutors do every single day and I highlighted a few, because some of those are what I would call the lift that is a daily thing. Attending court hearings, witness -- coordinating with witnesses, negotiating

with defense attorneys, obtaining warrants, evaluation and screening of cases. Discovery and disclosure. That is a grind, that is a lot of effort, both by support staff, as well as prosecutors to put that out. There are time limits that are required. There are rights that are attached to those things. They have to be done timely. They have to be done quickly and they have to be done thoroughly and it is done daily. It is not something that can be done when you can. It has to be done all the time. There are other things -- again, there is a lot of things on this list. I only highlighted those because those are what I think of as the daily grind of a prosecutor, but all of these things come into play on a daily basis and, again, if you look at number one, a ten court hearing -- court hearings. Those are five days a week. There are ten to 11 courtrooms. The City of Meridian -- there are two things -- and we will get a slide a little bit later. There are two things that go on and -- that you have to consider when you are looking at prosecution. You are looking at coverage. So, you have a number of courtrooms with varieties of hearings that go from 8:30 in the morning to 3:00 to 4:00 in the afternoon, depending on what it is and there are a variety of different types of settings. Sentencings. Trials. Court trials. Pretrial. Arraignments. There is a lot of different types of court things that all require a prosecutor to be in attendance for and, again, there is ten or 11 of them that are going on any given day. Some days may be lighter, but, generally, they are somewhere between seven and ten every single day that has to be covered. There are different hearings that have to be covered. Then the secondary piece of that is the volume. Now the way it has worked with our contract is we don't have to deal with either one of those things. The City of Boise does our contract currently, as all of you know, and they cover all the courtrooms anyway and they were already there and they have a number of cases and their volume is higher than Meridian's, so they may be there for ten cases that are theirs and five cases that are ours. Now, because we are going to be doing it we need to be there for those five cases that are ours, whether they are the first one or the last one, we have to be there for all of them in every courtroom all day as needed when the court is calling the case up. So, we have to be available for the coverage and the volume and, again, the other things all are just part of the process of prosecution. So, adequate staffing. Again, attorneys -- we need attorneys to attend all the hearings. There is at least one person that needs to be in the courtroom. There is enough -- non-court time, that's the other stuff on that list that takes time. Preparing cases. Talking to witnesses. Reviewing police reports. Reviewing evidence. Doing all of that back room work to get prepared to be in court. Again, think of it like Law and Order. You only see the front end. They don't show you the grind. They don't show you people sitting in the library. They don't show you people writing briefs. They don't show you people making phone calls. They don't do any of that. You see the courtroom stuff. Well, all of that requires a lot of effort to get to that. So, they need time to do that and that's, again, the responsibility of all the attorneys that we are talking about. They have to have enough attorneys for both the court time and non-court time. They have to have support staff to help support that and be able to prepare all that discovery and evidence and -- and all the evidence -- or the things that are required to be filed for discovery with defense attorneys and the court to meet those timelines and requirements and, again, we also have attorneys and non-court time to supervise, evaluate, if once we eventually can have interns or externs as part of this team, we need people to supervise this group. You know, we are talking,

again, a fairly large group of people. Boise City has 17 attorneys and 15 support staff to meet all those courtroom requirements and their volume. Ada county -- their misdemeanor unit has ten and a half attorneys and ten support staff. Both of these departments, especially Ada county, have more attorneys than that that do criminal work. So, they have other attorneys in their felony criminal work, but they don't -- generally are only going to do this stuff, but they have ten and a half attorneys, plus the support staff and, again, Boise City has 17 attorneys to cover that because of the volume. So, anticipate increased case volume, prosecution transitions to in-house, because as all of you could imagine there are things that we don't know, as much as due diligence as we have done, as much effort as we have done to get us to here, there is things that are probably going to come up that we haven't determined yet or that other people that -- even though we have talked to Ada county and we have talked to Boise City and we have talked to the court and we have talked to the court administration, there will likely be things that will come up and they are like, oh, didn't you guys know you are supposed to do this, too. And we will learn that. But we know we are going to have increased volume, because, again, as our population increases, our department increases, we are going to have more cases. That's just the nature of the beast. This entire, you know, county and valley is going to increase over the next five or ten years. So, the likelihood of this going up and increasing is only going to go up even more. Staffing challenges can create situations that threaten licensures. Attorneys are bound by rules of professional conduct. One of the biggest concerns of our team is making sure we have the appropriate amount of staffing to cover all of these needs, because, again, people get sick, people are gone, people are on vacation, people leave and we have to transition. We have more people that have to come on. And all of those deadlines have to be met and so we tried to put together a plan to try to address that as best we can, but it's kind of phased. I mean we anticipated needing to grow over the next few years and this is really to open the door and that's what we are looking at today. We are looking at what do we need to get this up and moving in an expeditious way as best we can with the anticipation that it's going to need to grow over a very short window of time, so that we don't run into these issues of concern that can be for the attorneys that they are not meeting the court's requirements, not meeting the deadlines that are necessary and not meeting the requirements of compliance that are necessary. So, staffing for court hearings. Again, an attorney is going to have to go to court -- attorneys are going to court every single day. They are -- it's unlikely of the prosecution team we are going to have to start that those folks aren't going to go to court every single day and they are going to have multiple courtrooms on days that they will have to cover because of that. So, regardless of the case volume the prosecutor's office must be there for all their hearings. Judges have told us as they get busy that they understand that there are going to be challenges on us being in every courtroom and every minute of the -- of the day. I'm going to accept them saying that. My experience and my colleagues behind me would tell you -- they may tell you that they don't always act like that. Sometimes they get a little testy when you are not there and so they do expect us to be there. So, again, here before 20 -- November 2025 the city cases were before five judges and the county had five judges. So, they had a set up calendar that was divided between city and county. Now, again, they were predominantly dealing with Boise and Ada county and that Boise had all of our cases and Ada county has all of their

own cases. Now after November they decided that system they didn't like for a variety of reasons and now they divided it up under ten courtrooms and sometimes there is 11, because we have an out-of-county magistrate that hears some cases, so now we went from five to ten for everybody. So, instead of five for cities and five for county, it's ten for everybody. So, you can have a courtroom that has Ada county and Meridian cases and Boise City cases all mixed in with the court calendar. So, that was a choice by the court after our election, after we met with them in November, they told -- all they told us was, oh, the court calendar is going to change, but it will be fine. And what we found is we went from five to ten. So, now trying to cover all of them, because they are all happening around the same time -- now, again, we may not have something in every courtroom every single day, but I can't guarantee that. I have to presume most days we are going to have something in every courtroom. So, here is a -- here is an example. And so here is an example back in -- so, August of '24. This would have been an average day or an average week -- or, excuse me, an average day of a calendar for a week of when we would have something for Meridian. So, you would have -- again, these are all judges' names at the top of these columns. So, although there is 13 across the top, you can see on a given day on this one day there were some things in one courtroom at 8:30 and one other thing in that same courtroom at 1:30. Had jury trials which could happen or not. Those kind of depend. Those take most of the morning to -- to resolve and sometimes they are resolved, sometimes they don't. If you have a trial that goes that's all day. That's going to be there the whole time. It could even go to another day. Most days it's done in one day. Pretrial conferences. There was only six, but those could go from 8:30 in the morning until noon. So, they could tie you up most of the day depending on those. But you can see it's a fairly small amount of cases related to Meridian back in '24 and here is the same court calendar. Here is other cases other days. This is Tuesday of the same week showing, again, how it kind of spreads out and that's kind of what we were basing management from. That had been the system -- how long had that been in place, Emily? Did they say?

Simison: You got to get on the record.

Nary: Okay. So -- okay. So, it had been in place for a number of years before they decided to change to this back in November. Again here is another day. This is Wednesday again you can see it's a little bit busier now. You are got jury trials. There is jury trials calendared almost every single day. Arraignments are every day. All of these things are every day and, again, I believe the numbers next to them are the number of cases that were Meridian's at that time. Here is Thursday of that week. Here is Friday of that week. Okay. This is now December of '25. This is an average day. This is a Monday. This is Meridian's caseload for that day. So, we went from three or four courtrooms to almost every courtroom on that one day in December. This is just an average day and you have got arraignments. You have got pretrial. You have got PC. You have got jury trials. You have got pretrial settings. You have got arraignments. I mean everything you can have morning and afternoon. Those things can tie you up all day or they can tie you up a few hours. It depends. Again you may only have one case in there -- there is no way to make judges choose -- they have a court calendar set for them through their system. So, you could be the fifth, the first case, you could be the

tenth case. The judges aren't going to shuffle them around for us. So, you get what you get. You have to wait for your turn just like everybody else. Here again here is that same week. Here is Tuesday. Here is Wednesday. Here is Thursday. Here is Friday. So, that's the -- that's the challenge we have been working through these last few months to try to figure out how to make this happen so we can get this done. Again back to my earlier comment. We dealt with case volume and courtroom coverage was fairly level and because of the way the system was designed it was a fairly even system in trying to do that. Now it's like that. And, again, the case volume is only going to go up as we get bigger. But the courtroom coverage got expanded by the court. That's the way they chose to do it. So, here is what we are looking at today and what we are looking at the future. So right now the right-hand side of this picture, the stuff that's in teal and the bright green, is currently the way our office is situated today with our civil division. This is what we are looking at on the criminal side. We have got seven attorneys and three support staff to manage all of those cases. We have got six prosecutors, total of seven. One of them is going to be the chief deputy or the manager of that, but that person is going to be going to court because we need the coverage. We need them to also be going to court and being a working supervisor as well and, then, again, all -- all of the support staff, although we have a supervisor, they are all going to be working on that process that's required to meet compliance of discovery. Here is what we look at in the future as we grow. We are looking at shifting around our civil a little bit and looking for the long term and creating a chief in our civil side as well and trying to create a little bit more structure of the group and also with our risk management. I'm looking for the long term and moving risk management so it's not -- a necessarily an attorney function, but a legal department function with a risk manager. So, that's kind of the intention is to kind of segue into that in the future. Hopefully in the next fiscal year in FY-28 if we can make that happen. Some of that's going to be driven by workload and some of that's going to be living by cost. And here we are in '29. Again this is adding more prosecutors, adding more civil division paralegals, so that the risk manager can focus on the risk management responsibilities and not all the paralegal stuff on top of that as well and, then, again, trying to keep up with the caseload requirement and also dealing with sick and vacation and absences and everything else that goes on with a daily -- daily things. Things in the civil division oftentimes can wait or the other folks can pick up that slack when somebody's gone. On the criminal side it is very difficult to do as you can tell when you have to be in multiple courtrooms somebody being gone is a pretty tough one to have to backfill for. So, that's going to be the challenge that we are already facing. Again FY-30. Again we are looking at adding another police attorney. Again the police department is only getting bigger and the area of law is becoming more and more complex and we are likely to need more prosecutors and support staff to meet that demand. So, we are trying to anticipate and at least give you a snapshot for you today, as well as future councils, where we intend to see this going over time. We looked at office space and trying to figure out where we could go and how we would make this work with, you know, the physical spaces we already have or whether we look outside the city and we looked internally and we can make the human resources current department work for this team. There is some change and there is some office remodel that has to be done. Most of it is not moving walls or adding doors or adding more expensive types of

remodel and TI work, it's more of adding cubicle walls and some furniture and things like that. There is a few locks that have to be adjusted. There is some few things that have to be done for security, but most of it is things that are kind of practical and affordable and the physical space is big enough to be able to have this many people in it. Partly because many of these prosecutors are not going to be physically here all the time, because they are going to be at court and they are going to have to go to court more often, but they are going to have a physical workspace here, so that they can work in the office when they can -- when they have the time, so that they have a space to work here, as well as working from their laptop, working from the courthouse, working remotely and, unfortunately, working in evenings at times for this as well. So, timeline. Again, we have a budget amendment before you tonight. That budget amendment is for the rest of this fiscal year. That gets us started. That's buying the software that's needed to get that going. Get that implemented. That's to get the office space started and getting that redone and the furniture bought and all the things that are needed to get that physically done and also to begin some hiring. We need a hiring portion of the staff. Probably going to be hiring the two main people, the main admin support or the main admin person and the main prosecutor to get this team up and running as quickly as we can and that's looking at them towards the end of this fiscal year before the beginning of the next budget year and, then, hiring the remainder of those that will be in your budget discussion in a few weeks where those are going to be coming from. So, again, HR opens, we are going to be looking at hiring, we have got training and certification to do, we have got to work with the court to prepare for that transition and, then, again, it's getting the prosecutors and staff on board, get all of their training done. Again, part of this -- what's the challenge we have is I don't know what the marketplace looks like today. I don't know what the hiring market looks like. Because we don't have a existing staff, we don't have people that already have existing experience with us, so we are looking for people with experience to begin this team with, because, to be honest, I don't have the bandwidth of a staff to simply hire eight people who just got out of law school last week. That's not going to work. We need people that have experience. I don't know what that market looks like, but that's what we are looking for is that because we need -- you have to remember all of these folks have to support themselves. Because, again, I don't have 15 people like -- like Boise City does. I don't have 50 attorneys like Ada county does, even though ten -- only ten and a half are their misdemeanor staff, they have 50 attorneys there. We don't. So, I don't have the depth of that to look for people who don't have experience. So, we are going to be looking for that. Again, Trace would move over from Boise City and, then, our desire is to have this up and running by January, so it's incredibly ambitious. It is as warp speed as I can -- I can come up with and that's the best I think we can do and, again, that is totally dependent on the market and hiring and what that looks like out there. I know it's been a challenge for other agencies out there in our community and hiring attorneys. So, I don't know what that's going to look like. I don't know how difficult that's going to be. This is a -- this is certainly our desire and direction we would like to go. So, here is the budget. Okay? This is the cost of personnel, the ongoing costs, the one-time costs and the total that's going to be in FY-27 budget. So, this budget is for -- the budget amendment request is for the eight weeks of wages, two months of legal support services and, then, the office updates, computers, phones, software all of that. That's

where that 271. But the ongoing costs that you are going to see in a few weeks is two million. Questions? Did I miss anything?

Simison: Thank you, Mr. Nary. Council, I'm just going to start. I think one of the things that we learned through this was there is a lot of frustration post-levy in conversations with the court and I'm going to be the first to say I don't necessarily agree with everything that you saw in this presentation today. I think there is stuff we know and I think there is stuff we don't know. I think there is a lot of assumptions through this how many -- how many staff we will need or won't need in coming years. I can say that three of us in this room had a conversation with the current chief administrative judge and I think -- I got a different impression from that takeaway and I think that we have had conversations with the Ada county prosecutors about are there better ways to do the court system to keep costs in line to make it easier. I don't know where those conversations will go. I will say they are not done. They are going to continue to happen and I think that there is also collaboration that can exist with our partners in Boise and Ada county moving forward. So, I'm not committed to this, but I want -- I want you to be aware of at least what they are saying from their perspective on this. But I think there is to be determined in the future on what we actually end up at, but I think what you saw was in my mind a very worst case scenario, not a likely outcome. That's my two cents. But I wasn't going to prevent them from sharing this information.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Kind of tag along on your comments. I was present in the meetings with the court administrator and Ada county with the mayor and we talked about where we are looking at going versus this change to the court calendar. They didn't know -- or stated they didn't know that we were looking at changing how we do business. So, what they were looking at -- and I'm going to try to be as non-specific, but specific at the same time. The Ada County Prosecutor's office and the Boise City Prosecutor's Office have very different ways that court cases are handled. The court administrator was trying to solve a problem between one agency who wasn't dealing on any cases. You get a case you are going to court and another one that was trying its best to wheel and deal those cases, because they had a large number. The assumption by the court was that we were going to continue as always to be part of that big bucket. When we explained that what we were really looking at was to become more like how Ada county operates, that kind of threw their whole thought process into array and the idea of this meeting was to have them reconsider the request to spread us out over this many courts and to start to bring us back where maybe Meridian can have fewer courts and Ada county can have fewer courts, because who they are going to need to spread out is probably going to be the city of Boise, because they are trying to spread out the workload. No promises were made. It was a very good meeting. I think it was productive. I think we got all the right people at the table to explain what we are doing being very clear about what our intentions were as a city to prosecute our cases going forward. What the whole reason we did our levy, but -- but understand this, we were sitting at the table with Ada county,

because the city of Boise, Ada county, who also represents Garden City and who also represents Kuna and Star and Eagle, they are all at the table having the same concerns that we are. We were not the only one. Everybody was having concerns over this new calendar and stretching their resources thin. So, it wasn't just one agency in Meridian saying, oh, my gosh, what are we going to do. It was all of them. Boise had actually met with them before we did. I don't know how that meeting went. We were just told they had a meeting, because they were concerned about being spread too thin. So, the goal is is to work directly with our partners and the other prosecution agencies in this valley to try to come together with a new version of how that trial court calendar is going to be that will work better with where we are going to be with our philosophy, where Ada county is with their philosophy and where Boise City will continue to be with theirs. I'm not saying it's not going to be a challenge. We knew going into this it's going to be a challenge. I just think they don't want us to fail, they want to make sure everyone can succeed.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Bill, did -- and maybe if you were in the meeting, too, I'm not sure if the courts had suggested a minimum amount of staffing level to adequately cover the courtrooms with the new changes. Was there ever a suggestion for them to say seven is right, ten is right? Because I see the numbers starting at seven in fiscal year '27 and, then, each year we are adding, adding, adding. I know the casework will go up, but as it's presented in this presentation the coverage is going to start right away. That would exist -- assuming they didn't make any changes and maybe they do, but is there a suggestion from the courts as to what an appropriate staffing level for the City of Meridian would be?

Kane: Mr. Mayor, Council Member Taylor, the -- I believe we asked specifically if seven would work and the administrative judge did express his opinion that it probably would and he made a commitment to advise the magistrates to essentially be patient when attorneys were not in the room, because they were covering other -- other courtrooms. I guess I would add that -- I mean the judge's focus is that in court time. So, they are not considering what's happening outside of court. Those other, you know, ten dozen responsibilities that is required to have a successful appearance in court and to be ready to cover several courtrooms at the same time. The -- but to answer your question, he did say that seven should be adequate to cover the -- the courtrooms that they have set up.

Taylor: Mr. Mayor, a follow up.

Simison: Councilman Taylor.

Taylor: So, probably adequate to cover the courtroom work in the day. Not -- and that was one item on -- on -- on the big long list. So, I haven't done a lot of work in

courtrooms. My cousin was a county prosecutor and -- and I don't -- I don't know if courts necessarily care too much about what we all think in terms of -- I think they would be more likely this is what works for us. So, please, find a way to work with us. I could be wrong. I'm not overly optimistic about how they may -- you know, what -- what changes that they would consider, as opposed to the direction they are going in right now. What I'm wondering is in fiscal year '29, '30, we are up to ten attorneys, is that in your professional opinion the appropriate level in year one? I understand maybe -- maybe seven is what we could afford potentially and, then, we go into it. But is ten where we need to be in year one versus seven?

Nary: I will be frank with you, Council Member Taylor, I do think ten would be better and I -- and I -- because we record this and because this is on the internet, I will tell you the judges will do their very best to be patient. My experience has been that doesn't work very long. That has not been my experience. Now, I haven't been in criminal court for a long time, but Ms. Murray from my team has and it's dependent on the judge and dependent on the day and dependent on the circumstances. So, not being there consistently is going to be a concern and we are trying to be the best we can to not be absent consistently. But more would be better for other things, too. I mean, again, it isn't just to have more people, to answer your question, but because there is out of court work that needs to be done. There is other things that have to be done daily by prosecutors and so what I don't -- what I really would like to avoid is that, again, that's not even talking about absences, sick, vacation and else, let's just talk about the daily work. I really would like to avoid a situation where as soon as, you know, prosecutor A is done with courtroom one, because we only have seven people, they got to run over to courtroom three and take care of that stuff and, then, they got to run over to courtroom five because somebody's sick today or they got to go pick up their -- their kid and they are gone and now all of a sudden the day they intended to do their other stuff and take care of discovery and talk to witnesses gets pushed aside and they got a jury trial in two days they got to prepare for. So, I'm trying to -- ideally if I had a larger staff, they would have a little more room and flexibility, so they aren't working at night, they aren't working every Saturday to try to keep up with the grind, because the grind doesn't change. The court does not -- to be honest the court does not care about our staffing needs. They care about the court. They care about their needs. That's just the way it works. So, to answer your question, yes, I would rather have more. I recognize that that is problematic and so this is what we believe is the best get us in the door to start this off if that's where we want to go, we think we can make this work. But we don't want to kid you or any future council, that it's not going to be more people needed to make this more efficient and more effective to deal with all the things that, one, we don't know yet and the things that may or may not come true that what we hope to have come true and what the reality of the day-to-day grind is.

Taylor: Mr. Mayor, just one last question for now.

Simison: Councilman Taylor.

Taylor: So, Bill, you talked about the timeline. We are looking at January 2nd, 2027, of taking over the entire caseload. It's June 2nd. What you are saying is you have to bring on seven prosecutors, support -- some support staff, have them trained ready to go and pick up the baton as seamlessly as possible in January in order to avoid any of the issues you had on your slide with licensure, things like that would, you know, I don't if get us in trouble as the right word, but be a -- be a real challenge. That is incredibly ambitious, which you acknowledged when you are presenting it. Not -- starting this up, not knowing how -- if the wages that we are offering is competitive, if we are going to be attracting people, if we are going to get the experienced people or not. Is this a realistic timeline? And I know you are going to say more time is better that's always easier. I'm concerned that this time frame is overly ambitious in terms of being successful on day one, because what I don't want to see is -- is to really screw this up in January and that we are mishandling a lot of cases, we are not covering it, we are making the justices upset, we are not in the courtrooms where we need to be. What if we can only actually bring on board three prosecutors? Then what do we do? So, those are some real challenges -- concerns I have in terms of the timeline, which I know is overly aggressive, but -- I mean can you speak to that just a little bit in terms of your confidence in -- in standing this up in six months?

Nary: Council Member Taylor, I am not going to kid you, it is ambitious and it is the -- it is the desire to us to move in that speed to get this going. Here is the challenge. Again -- and I think I said this to you folks a couple three years ago. It is like a firehouse. I cannot open the door with three people. If I only have three prosecutors I cannot take on a caseload of ten courtrooms. It is a -- that is a massive failure and we can't do that and I have said to the Mayor, that timeline is contingent on us hiring people. I have no idea if that's going to happen. That's our desire. But I can't do it with three and I have asked the city of Boise and I have asked the Ada county is there any way to transition this and the answer to me was no. Once it's yours it's yours. So, you tell us what day it is and the spigot goes from us to you. That's it. Now, there are things that they will retain, like the city of Boise if they have a case where somebody gets arrested on October 3rd and they have a court date on October 5th and they don't set a case until April, that would be ours. But if they have a case in November that gets set to January 3rd they are going to keep it. But other than those kinds of situations their direction to me was once you tell us a day everything is yours and the court looks at that, too. You tell us what day it is, everything from that day forward is yours. The court is not going to divide these up like, oh, you told us that was Boise's, that one's your -- they are not going to do that. You tell us what day it is that's theirs. I asked Ada county is there any way to work with you on coverage and the answer was no. We will advise you, we will help you, we will do whatever we can to make it successful, no, we are not doing your work and we really can't have them do our work for us. I have done this a long time. I have never had attorneys cover other people's cases for other jurisdictions. That's not how it works. You have to do your own. That's who the court determines you are the -- you are the assigned attorney or the assigned agency. Boise City is not our deputies. I'm not theirs. Unless we are deputized on that case that's not how it works. So, it is ambitious. I agree. That's the timeline we were asked to meet and that's the timeline we will try to meet if that's the direction we go.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Bill, so you said that the date you pick is the date that it happens. Do you have any -- like three months from now you go it needs to be March 1, not January 1. Do we have that kind of wiggle room to say the whole load gets postponed two months?

Nary: So, Mr. Mayor, Members of the Council, Council Member Little Roberts, so we haven't -- that's what the court has told us. We haven't told the court January 2nd. That's the desire we are looking for. The city of Boise we had -- we have a proposal that's in your budget packets that you will see that they will continue with their contract and we have an escape clause, so we can cancel that when we need to and we -- I put that -- I asked them to put that in there for this very reason, because, again, I don't know if it's going to be October, January, March, June, I don't know. And so they understand that and so we -- there is an out clause. There is some time limit that we have to give them to do that and so there is some financial costs to doing it and all those things. But we -- you know, again, I -- it's -- it's going to tell us pretty quickly what the market looks like. If we put this out for -- for hiring and, honestly, within the first month and I have three applicants for seven positions I'm going to tell you the market's kind of soft, it's probably not going to be able to fill those positions very quickly. If we put this out and within the first month I have ten or 15, great. I'm not thinking that's going to happen, but I don't know. So, I really am contingent on what's the market out there as I just don't know.

Little Roberts: All right. Thank you.

Simison: Council Woman Strader.

Strader: Hey, Bill. So, the timing -- this is tough. This is a tough timeline and I really wish there was a way for us to grow into it more organically. I'm glad that you tried to have those conversations. It sounds like about -- is there a way to transition? Is there a way to have certain types of cases covered by Boise. It is not really in their best interest to have an abrupt transition I would think either, so I'm kind of surprised that that's how they look at it. Did you get any more color on that? Like is there any creative way of saying, okay, you know what, we are going to hire three prosecutors this year and they are going to take on, you know, maybe one really narrow segment of the caseload and we renegotiate that contract to kind of reflect that. Is there any -- any flexibility there at all?

Nary: So -- maybe Tishra might help answer this. I can tell you one of the problems with that is the way the court calendaring system is built. It is built towards agencies. So, it is very difficult for a court to say, well, for example, I will take the most basic one. You have jury trial cases and court trial cases. Court trial cases are mostly for tickets. Traffic tickets and the like. It's really difficult to tell the court, okay, all the court trial

tickets are going over here and all the jury trials go over here, because sometimes things change and so that's part of the driver is that it's hard for the court -- the court has told us they don't do it that way. If this is Meridian's -- because they look at the agency that issues the citation. So, if Meridian gives a ticket that goes to Meridian and they just -- that's how it works. They don't have a way to say, well, these are court trials. Oh, this is a traffic -- it goes over here. It doesn't go over there. They don't do that. So, could we contract with them to do it for us and pay them to do it? I haven't talked about that, whether or not that would be practical or logical for them. Right now their view is, again, you have a whole caseload, now it comes to you. We have it now it's yours. So, they haven't -- we haven't discussed if there is any other way, but when we talk to them I asked them twice is there any way and the answer was no. Once you tell us it's yours. Is there something you could add to that? No. Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a few more questions. Help me understand why we are considering this as a budget amendment to get started. Besides the timeline, like help me understand more why a budget amendment now, as opposed to just really fleshing this out during the budgeting process, taking whatever time we need to like really plan this, because I understand we have a contract and that is a dynamic, too, involved with this, but like help me understand that better, why we are not just going to wait, you know, what, a couple weeks, get this kind of longer term plan.

Nary: Mr. Mayor, Member of the Council, Council Member Strader, I mean the timing is yours. I mean the direction to me was we would like to get this up as soon as we can. The soonest I could do this is January based on all of this. We would have to get this started. You know, IT has told us a number of times the software and the upload of all that software and all of that takes about six months. So, if we don't buy it now and we buy it in October, it's still six months. So, we are going to be six months out regardless. But the timing if we were to say October and we don't do a budget amendment, we just say let's go through the -- your normal budgeting process and maybe we approve this come October, again, with the same model we presented to you or whether we look at changing the model some, that certainly can't -- all of it has just pushed the time out further, which means we are going to need Boise City to do the work for us until we get there, which, again, is totally up to you folks.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That's very helpful. And, then, I -- I just have one more question. It's a little bit off the wall and it may be a brainstorming question. Have -- have you all started to think about, you know, AI transforming the legal profession and kind of how we can start to leverage those tools as well; right? I mean you have a number of support staff. I

understand we are not going to replace all the humans with machines, so no one panic, I just -- it seems like individual people with the right tools are going to be able to do more. Have you started to explore some of those conversations and how are you sort of thinking about emerging technologies as like a force multiplier when it comes to this stuff?

Nary: You know, Council Member Strader, that's a great question and you are asking the wrong dinosaur in the room about how to do that. I don't disagree with you and I don't imagine -- okay. Now, again, I didn't put that number in 1985 in there as a joke. That truly was when I started.

Strader: Yeah.

Nary: The way we do things today is vastly different than we did 40 years ago.

Strader: Sure.

Nary: Is that going to -- is that going to be where the -- at least some of the technology is going to go to help for some of the efficiencies of the process? I would imagine it will. I don't know. I don't think we are going to see changes in the courtroom about humans being there trying cases in front of other people with judges and clerks and all that. I don't see that changing the technology. Now, again, every trial I know of people that do them today -- and Tishra can correct me -- do you do any trials anymore without a PowerPoint? They don't do any without PowerPoints. I used to do it with one sheet of paper and I just wrote my notes on it. That's it. So, I can see that humming, but, no, we have not anticipated how that would play into this today.

Strader: Mr. Mayor?

Simison: Council Member Strader.

Strader: My -- my feeling about the budget amendment right now -- I just -- this dialogue we are going to ask questions and go back and forth. My -- my gut feeling, just based on your conversation so far, is that we are not ready. I feel like we need to take the time to get it right and if that means a year of planning this in further detail and really getting like a plan that can be executed and working -- I think especially it sounds like with -- with the judges and their administrative -- administrator and their calendar and trying to hammer out some solutions around that, I just don't really think it would be wise for us to bite off -- I'm worried about like this is a budget amendment that it's not super material -- I don't love budget amendments generally, but, then, I feel like this sets us down off this rocket path toward January where I don't think that that makes sense based on what you are saying. I mean it really sounds to me like understanding the magnitude of what you are taking on and everything, it just feels to me like we need to honestly take our time and really flush this out. That's my general reaction to this so far is just we are not there yet. I think it's understandable. We want to get there, you know, we have set an objective of where we want to go, but we need to figure out a path and I

don't think that that path is clear at this point, just based on what you have said with -- especially with the examples. Like we saw the court calendar, you -- you have got at least -- there were some days where like ten or 11 slots were full and if we can't meet those ten or 11 spots we are not going to succeed and so we need to hammer these things out I think before we even consider a budget amendment or anything like that. To me. That's just my feedback so far. We are just not there yet.

Simison: And I'm going to just kind of speak to that point from two sides of this. From my perspective. We are never going to answer any questions if we don't start. There is nothing that we can do unless we said we are going to bring in 20 attorneys to know that we are going to be able to cover everything fully, no matter what -- what our number is or how many attorneys we can hire or what our timeline is to set stuff up. Until we start we know we have got minimum six months. I put in the -- I put in your budget document, you know, one time funds to cover the Boise contract for three months. If you want to extend that for another three months beyond that, great. That's coming out of fund balance. That's where that is being funded as we want to make sure that we cover the personnel needs for the year for what we would want to try to hire no matter what. So, that's -- that's -- that's the one side of this. But if you -- do you want to put more money in the budget to extend the time frame out to contract with Boise, that's not an issue, we are just trying to be -- trying to push as fast as we could, but knowing until we start we can't probably answer any of these questions efficiently. I don't think the courts are going to give us an answer of -- in the short term that says that they are willing to -- I think they want to play with their system. They just adopted it. They are not looking to walk away from it. I have to trust the conversations that we had with the administrative judge that they are going to work with us on this. So, I feel like we have been given as much of assurance as we can to begin this process, but until we -- until we get into it -- that's why it's great that Bill can showcase, well, here is where I think we need to be. I don't think we know that. Again, they could change the court system back to the old system next -- next year and next thing I know we got too many attorneys because of coverage. I know that's not the case, Bill. Don't -- don't get me wrong.

Nary: It's not going to happen.

Simison: No. But that's where I'm -- like to me this is about getting -- getting the process started and if we want to delay and start the process in October, just know that we will be in Boise's contract for a year probably, fully to their contract, with this request still in the budget that we will want to be funded, because we will still want to start the process at that point in time. So, I would encourage us to move this forward sooner rather than later and say let's put more money into the fund balance to extend this beyond January if we think that's necessary or we can come with a budget amendment in October for the additional funds once we know more about this. But we are getting into the time frame where Finance says no more budget amendments for the year, so we either will put this on hold until October -- because, technically, I guess they allow us to post the positions in September? Is that when we are allowed to do that after the Council approves the resolution? Before? So, that's the first time we could actually -- we could even -- we can't even post a position until we get to that point in time and

those are the things that just delays the questions as much as getting to the answer. So, that's why we want to bring this forward so we can at least start the process and the further we get along sooner the more we can work with Boise if we need to extend or look for a different approach if we can't find people to even do the work. That's my two cents.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just -- just to -- another quick just to tag along. Just to be clear -- and I would leave it to Tishra and Emily to agree or disagree with this statement, but the court calendar is not going to change as long as Boise represents Meridian cases, because the sole reason they did it was to try to spread out the cases more evenly across all their magistrates. The only point in time they would look at making that change is if we changed and became more like Ada county and they would, then, look at changing it to more evenly redistribute the cases under the new philosophies of the agencies. I don't see them making a change back to what they had before until we make that change and pull the switch. So, I don't -- I don't see the court administrator making that change before we make our decision and move forward.

Kane: Mr. Mayor, Council Member Overton, I would agree with that. But I mean the -- the court didn't say that specifically, but that is certainly the implication given the imbalance in the -- in the calendars, so that would -- I think that's a fair supposition that it would tip -- tip one city into the heavy user range like the county is and that would I think incentivize a change to the court's calendars that probably isn't there now.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think part of the challenge, just speaking openly, like part of the challenge is also the fiscal impact; right? Looking at the totality of where you need to go, it's two a two million dollar price tag. It seems like based on the change in the court's calendar and how they schedule their cases has been a change in the circumstances around standing up this team and the resources needed. Like prior to that change what would have -- what would have been your adequate number of attorney prosecutors I guess would be my question under their previous system?

Nary: Fair question, Mr. Mayor, Members of Council, Council Member Strader. I mean I -- I couldn't tell you. I mean ideally I would always prefer to have more people than coverage that's required, so there is always a little bit of room for absences, you know, sickness, vacations, things like that. I always want a little bit of cushion. And, again, I don't want to tie up people in court all the time. Now looking at the way the calendar was in that '24, for example, you know, I think you probably could get by with about five to seven people depending. Again, that's one snapshot of a week, but I think the

volume was different and the coverage was different. One of the things that's -- you know, I learned through this process that I never knew -- and, again, I have been here a long time, but there is a difference in philosophy on how cities and counties prosecute cases in this valley and it has existed in the entire time I have been here and it's because they have a different purpose. The county prosecutor's office, what they are looking for, if they are misdemeanor prosecutors, it is they are -- it is a grind for them to -- to learn to try cases no matter what and they try a lot of cases, because those people that make it through that process for them become felony prosecutors. That's what they want to be. That's their career path for many of them and many of the county prosecutors folks stay for many years and that's where they go and they stay there and retire from there. Cities it's -- that's not as common. That is not a career path for most people. It is an entry position for a lot of people. It is the first or second job they have in the legal profession. They want to get trial work. They want to get that level of experience. So, they do try cases, but there is also a desire to process, because the volume is so high and so it's just a different mindset. The emphasis is not on just trying everything. So, the philosophies are slightly different anyway and they are probably not going to change greatly, but the volume back in '24 probably could have dealt with the coverage and volume at the five to seven level range, give or take. Now, because of the way it's spread out and the volume has gone up a little bit from that time period, again, the seven in our view was the minimum needed to make -- make it even functional and below that it's probably not very functional and, again, I don't have redundancy. That -- you know, you folks hear that in every aspect of the things we do as a city is redundancy and I don't have that right yet. That's why we looked at where is the long term going to go and that's the desire to get there.

Strader: Okay.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Bill, based on the question that we asked the voters in November of '25, do we have any obligation to expend some of those levy funds January 2nd for prosecutorial services?

Nary: Not that I'm aware of, no. No. I mean I think that if the idea is again -- we are still doing this. The timing has changed because of a lot of other reasons, but we are going to use that money towards that same goal. That's the same commitment in my opinion you have made, but you folks have to answer that question better than I can. Legally no.

Simison: And while the number is larger than anticipated -- and I'm looking at Todd -- because I think about 400,000 dollars than what we anticipated from the levy and the contract when you combine those two between what's in the budget, that is the difference and I think that that equated to -- from what was being planned. One additional person that was added post levy and a trueing up of the actual market at this

point in time for the positions in order to get to that variation number. So, what is it -- the money is in the budget, so it is taking the contract with Boise, the funds from the levy that would hit through that. From my perspective there was one position in community development that we chose to remove from the budget to provide some -- I'm not going to say it's for it, but we reduced the position down to help accommodate that. The rest of it it would be funded by new construction revenue or three percent, wherever you want to attribute that. So, that equates to about 300,000 dollars'ish into the -- into the impact for bringing this forward into the next budget year. Any contract with Boise is using one time funds in theory to continue that service in -- into next year as long as it needs to go, so that we have all the monies assigned to ongoing personnel costs in the budget. So, that's how it's -- that's how it's set up in the budget using round numbers. Don't quote me exactly on any of those numbers, but that's relative numbers in my head, that's -- from where things ended up.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: On the Finance could we have Todd maybe come up and ask him a few more questions on the financial side of some of this? I have a couple questions.

Simison: I hate for you to stay this late and not get to actually talk.

Lavoie: Oh, geez.

Taylor: I know. Want to make him feel useful. It's 9:00 o'clock, so I want him to come up here. Okay. So, I'm not -- the levy gives us about 460,000 a year for a prosecution unit, if I'm -- is that about right?

Lavoie: Of -- Mr. -- Mr. Mayor, Council, your levy rate yielded 498,000 dollars -- call it 500 to make it easy.

Taylor: All right. Five hundred thousand.

Lavoie: Four ninety-eight is what the citizens provided you.

Taylor: And the -- the City of Boise contracts 800 --

Lavoie: Eight fifty-two.

Taylor: Eight fifty-two.

Lavoie: So, it's 1.35 is the amount of revenue that we worked on from the -- you know, the last time we did this.

Taylor: Correct. So, the -- that's why -- originally -- and I remember Council Woman Strader actually was asking a number of questions on this about do we think the 1.35 is going to be the number. I think at the time we sort -- of at least my sense was we felt like we were in the ballpark. I understand that more of a concept now. We have got a year of doing a little bit more due diligence, so we come back and the number I see for fiscal year 2027 is a little over two million; right? So, we are 650, 660 thousand short. And, then, we are not filling a community development position -- I guess I'm trying to -- where we fill the gap is -- is it going to be -- how are we filling that gap in '27? Is it going to be one-time funds for that year? Because as I see it there is a gap, there is a gap, there is a gap each year or is the -- how are we going to close that gap, especially if we are going to be bringing on some new prosecutors, because I'm -- I'm just -- my biggest question is timing. I'm as big a proponent of setting up this unit. I think that's a priority for the city. I'm just asking myself what's the right time. Is it time now? Is it -- do we follow the save, then, spend model that we have talked about before where we are like, hey, let's bank some of this levy money, maybe we find some other sources and we -- we build up a base budget that makes it easier to, then, come out with the team that we want. So, can you walk me through how we are filling that gap fully this year and what -- beyond years what we -- how we think we are going to fill that hole?

Lavoie: Sure. So, fiscal '27 -- '6 -- again, there is no money in '26. Bill did present a concept of a budget amendment. So, that's a different story. So, I will address the '27 budget that the Mayor just delivered to you a couple days ago. As the Mayor mentioned, he did have to reduce ongoing costs in other aspects of the budget to cover this shortfall that he mentioned.

Taylor: Are we using any one time funds to fill our -- fund balance to -- to fill this gap here? Is that all -- we have found reductions in other places?

Lavoie: Well, the -- the General Fund itself in totality we are present -- we did present to you a use of fund balance I think of six million dollars.

Taylor: Right.

Lavoie: So, again, we used the entire budget. So, did some of this contribute to that? I think you can make the argument, yes, because it impacted other aspects of the services that we are providing. From a totality of the General Fund we are asking for the use of fund balance to balance the fiscal year '27's budget.

Simison: But just to kind of clear that, but we did reduce ongoing revenue -- ongoing expenses for ongoing revenue purposes. So, we did not say find me 400,000 dollars to cover with one time for this purpose.

Taylor: And, then, I'm going to dovetail off -- Councilman Whitlock asked the question are we required to spend any of the levy money we collect and so we can direct you to say we are going to keep this money set aside until we are -- I'm just assuming if we made the decision to -- to wait a year that money wouldn't be lost, it would still be used

for setting up a prosecution team. It's just a matter of timing. We could say let's hang on to this 400,000, add it to next year, start to kind of maybe save then spend sort of philosophy on setting up this unit. Would that be --

Lavoie: Under my understanding that answer is yes. You have that right during your budget development process to determine how you spend your funds on an annual basis.

Taylor: One last question, Mr. Mayor, for Todd. So, when we originally were doing -- developing the -- the business plan for this it seems like it's -- maybe -- I don't want to put words in your mouth, but in my mind the -- the number we agreed to with the overall levy and the amount set aside for the prosecution unit, combined with the Boise contract, we felt like we were close in that ballpark and now I see more of a detailed plan that seems wildly different by a lot. So, are you comfortable with the -- I mean the two million is what it is. I mean I think you guys have scoped it out pretty well. That's -- that's the number to set up -- bring on seven prosecutors and, then, adding and, then, the COLAs on top of that when we have those new employees, et cetera, et cetera. We haven't brought on seven new employees since I have been here -- and just for a couple of years. I mean we are always one or two and now we in Public Works, because the Enterprise Fund pays for them. But -- but now we are looking at seven attorneys and staff to -- paying for with General Fund money. That's a significant change, so --

Lavoie: To answer your question am I comfortable with the numbers that we are calculating? I'm comfortable with the numbers I'm calculating based on the data I was provided. Again, like you said, if something changed, like it did at the Ada county system, oh, we are changing the calendar, well, then, obviously, the business case changed. Hence why the larger number. We did present to you, you know, 18 months ago, 20 months ago 1.4 million is what we thought the answer would be and you as the body said let's put it out to the citizens. Are you willing to spend -- or give us 492,000 dollars more a year, i.e., it's -- multiply that by ten -- four million more dollars over ten years. Are you willing to do that citizens and the citizens voted yes. You are comfortable asking the citizens that. Like you said, Doug, now the number is a little bit larger. Now, you have to ask the question is 1.7 million dollars now to answer the question we asked the citizens. Robert has presented that in your budget draft. The answer is we now need 1.6 million of ongoing funds to make this plan as it's been discussed today. Not the 1.4. It's not 1.6, 1.7. We just have to now ask the citizens are you -- is that what you want? I think that's a question that you are trying to get at. Is that where I want to spend the money today or do we save up? That's -- I'm trying to read into your questions. I apologize.

Taylor: No. I think that's fair, because that's why I'm wondering is the money that we are going to bring in from additional revenue from the levy, we need to be spending that money for setting up a prosecution unit. My question is do we do it now or do we do it in a year. I'm just thinking through that.

Lavoie: Legally you can do it -- you can wait as long as you need and, yes, I can set aside the funds. As Bill stated that's how we used to always do fire departments. You told me you needed a fire department in five years, I would go, okay, Brian, I'm going to take 500,000 out of this revenue stream, you are not going to see it, I'm putting it in a special place. I will do that for four years in a row, then, when Brian says, hey, do you have the two million available, yes, sir, I have been saving 500 every single year. Here is the two million dollars, open your station. That's how we have traditionally done this and you can do the same thing -- I think that's where you are trying to go. Is if it's 1.7 -- can you save 1.7 before you turn the keys on? You have every legal right to do. So every legal right. You just have to instruct me to hold these monies aside until Brian give me the keys. You have every legal right to do that.

Taylor: Thank you.

Lavoie: You also have the legal right to do the way the budget is presented to you today also.

Simison: And that's my point. But I know we are not here to talk about the budget for next year. But the budget next year does take all this into consideration and calculates that for the budget as presented. The main key point -- because it wasn't just for this, it was for other items that we were changing as we went through, but the COLA is 2.76 for the employees. That's what -- it's in the budget recommendation. And you could identify that this is where that could come from. You could identify five other things that changed in the last three weeks of putting together the budget where those monies would have been maneuvering around and we still have some things in the budget that we don't know one hundred percent about where those costs will actually come in. Hopefully we get those things done before this month on those elements. So, it's -- everything is a little bit of a moving target on -- on these elements.

Taylor: I will make just one last statement. I'm sorry. And I will let you go. And I'm sorry to -- so, the reason I'm asking a lot of questions -- I know I'm jumping ahead to budget discussion, which we can wait. The reason that's significant, though, is the budget amendment tonight says let's start now and that's the question is do we start now, because if we think we start now we pass the budget amendment we get started. If we are not sure we start now, we should not pass the budget amendment and we should make sure the plan is right and we can have this discussion in the broader budget discussion here in a few weeks, but that's why I think this is important to understand, because in my mind accepting the budget amendment we say go. Now we are spending money. Because if we spend this money and, then, we decide to stop, then, what? That's a big question. We spend 271,000 dollars, we start buying this stuff and, then, Bill says I can only hire two or three people. I can't take the workload on. What do we do? Is that okay? In my mind saying yes to this is saying yes to the overall plan that we are comfortable with. I'm not sure we are comfortable with. At least I'm not.

Simison: So, what about one concept, approving the personnel, because that -- that's the biggest issue. Until we know about the people, you know, we can know -- we can know -- going and buying software and -- and doing that. We can know about TIs, we can know about cars, but the people is the question that is the biggest issue. If we can't get the people, then, that's going to delay us more than anything else. I can't advertise for the people without funding. So, the question would be if you were to take out maybe all the one-time costs except for the TI and just authorize the people, so we could at least start the process and see what we get, does that bring any interest to the Council?

Taylor: Well, Mr. Mayor, is the -- the budget amendment -- what does it have for people, because my understanding would be we would need the actual '27 budget to approve actually enough budget authority to say we are going to go out and make some --

Simison: For the purpose of this I think it's only 50,000?

Nary: So, there is -- so, Mr. Mayor, Council Member Taylor, yeah, there is two people for -- for two months basically. So, one of the methods that we had discussed early on was hiring that lead support staff and that lead prosecutor to build this team with. So, kind of to follow what the Mayor said, I mean if that's the direction you would like to go -- because I agree with what Council Member Taylor said, I mean if -- if you -- it would seem foolish to approve the entire budget amendment if you are not still on board with the whole idea, because, then, we are going to go buy software, we are going to redo build -- we are going to redo office spaces and if we are not going to do this for another two years potentially, well, then, that's kind of -- maybe that's premature. But having the people -- I mean I don't need seven people, but I would like to have the two to get started with this, but, again, it's -- it's chicken and egg. I mean if we come October -- or in June and the budget conversation and you are not comfortable even in October of actually beginning this unit in the next fiscal year, well, then, I'm not sure what these two people are going to do for a while either. So, I mean I get it. There is no magic way to do this ideally to match up with the budget, unless you just say we want to wait until October or you want us to get started. It's kind of one or the other.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Bill, I guess my question to you is going to be like who would you hire first; right? I would assume the lead prosecutor.

Nary: Uh-huh.

Strader: You tell me. Who -- who would you hire first to help develop a plan to get this rolling?

Nary: So, Council Member Strader, it was always my intention to hire the lead prosecutor first and, then, the lead support staff next, because they kind of have to go hand in hand on the way the process works, because prosecutors don't do the support work and -- and support staff doesn't do prosecution work. So, not far behind, but certainly the lead prosecutor would be helpful to hire, even the support staff that's going to help support it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I mean -- so, I personally am not in support of the budget amendment right now. I think getting -- getting to the budget is the right time to like have this discussion. I -- to me this highlights -- which this will annoy a couple of my coworkers, but this to me highlights the importance of our long-term financial planning process and why it's important for every department to come and kind of present their future plans, so we can understand it -- understand the totality of the requests in the city and really get a sense of how to stage these items. I would think -- actually, if we hired a lead prosecutor and maybe one other person at some point in a -- in a fiscal year -- even if it was a year out from saving the money and, then, hiring a whole team of prosecutors, that would make sense to me, because, honestly, there is a huge planning process that needs to happen with setting up this kind of a department and I would think that the lead prosecutor could easily take -- by the way, we all know, you put out a rec it doesn't mean you are hiring somebody overnight. It sure takes time. We may find ourselves like six months in to the next fiscal year, we have hired a lead prosecutor, that person has six months to meet with the judges, try to develop a transition, see if there is a better mousetrap and we know where we want to go, but at least we could take a little bit of that time in doing that. I -- I just -- with the plan today and the change in the cost structure, like I'm concerned. Like I -- so, I -- and I -- so excited to review the budget. I have not yet -- I just got it, so I haven't even had a chance yet. So, I couldn't really commit to the plan at all at this point until I fully review the budget, but I appreciate having this flagged now and this to me is like this is why we have to have these conversations now, like earlier in the year so we have that understanding, we can work through these things, understand people's various requests -- because it's not just a one year plan. This is -- this is a long-term process that -- that needs to happen. All of these requests have to be staged, your department -- your -- and you are meeting our expectations, which is exactly what we asked of you, but, then, we have other departments that have their own long-term plans and all those requests are competing with each other and they all have to be staged. So, that -- that -- that I'm just venting now, so I will stop. But, anyway, you guys all know where I stand on that, but that -- that's my frustration and just why I think this is important. I so appreciate you flagging it. I would not support a budget amendment today. I think it will be a really great conversation during the budgeting process.

Simison: And I will make it easy for -- at least for before you lead to it. This is the only personnel item in the budget. So, from -- you know, outside of this it's ongoing

operational costs in other areas, but there are no other -- you know, you could look at COLA, you could look at any of the other HR-related -- I just blanked on what they are called -- called. Reclass stuff. But there is no other positions in the budget that these are competing with in at least what you will have presented and when you read the book. So, that -- that helps you give at least a starting perspective that that's where we are looking at in -- in terms of cost structure. It doesn't mean there is not other things that you may not want to see come through in enhancements that have an ongoing cost, but that's what -- but there are no other people pertaining to the budget. Any other questions for Bill or the team at this time?

Lavoie: Thank you.

Simison: So, maybe Council make a recommendation.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: First thanks to you and Bill and the team. In a general sense everybody's trying to do what they think is the right thing and we all have different priorities about timing and when is the -- when is the right thing at the right time. I know some of us have probably already read the budget book cover to cover. Probably three times with you Council Member Whitlock, but I -- like Council Member Strader, I have just cracked -- cracked it open. So, to me it is not about the if, it is about the when and I think to Council Member Strader's point, I would feel more comfortable considering this budget amendment -- at least following our first budget -- first maybe only budget hearing. It would allow me to feel more comfortable about what's being proposed. I hear what you are saying, Mr. Mayor, it's that -- I hear you, but I want to kind of read it and experience it, too. And unless that I'm hearing anything from our legal team that there is a pressing need we need to do this tonight or next week, which I'm not hearing, I would feel more comfortable giving me some time to digest the feedback from everybody here this evening, to review the budget book, maybe follow up with some additional questions and maybe reconsider this on the 23rd after we have had our budget hearing.

Simison: Took the words out of my mouth.

Cavener: Well, first time for everything, Mr. Mayor. First time for everything.

Simison: That would at least be my recommendation. Just to -- I'm not going to go change my speech for tomorrow, just so we are clear. Because I don't think -- I don't -- I don't think it matters. So, don't think I'm trying to do something unless Council says that they want to return the money to the voters and not move forward with the prosecution team, then, I would want to go change my speech if that was the direction I got from tonight. So, yeah, Trevor, if you can go fix those slides. So, Council, any objection to -- that -- Todd, that meets our -- our timeline for budget amendments for the year if they still wanted to bring one forward; correct? If we did that in June 23rd?

Lavoie: If we are doing June we should be okay.

Simison: Okay. Yeah. And the only person who is not here who this may impact would be Laurelei, so I don't know how it aligns with the TI request that would want to be we are trying to take advantage of the expeditious work that the team is doing and get it done through that process. I just don't know where that lies and -- in this conversation.

Lavoie: And, Mayor, to address the one time TIs, again, Council you can direct myself or Mayor to overspend the budget. Again, we have the spend -- we have the funds available if you need to make that decision even in August. So, even if we bypass the timeline that we are required to report to the state our funding budget, you -- we still have the authority within our own right to go -- spend 65,000 dollars, make it happen, we have the cash. It's not like we are out of balance of funds. But to answer, Mayor, your original question -- our due date is June -- I think 22nd I think is what we sent to you. So, June 23rd we -- could we make that work? Just have the budget on that Tuesday and we will be -- we will be able to, then, meet the state's requirements of timing of reports.

Nary: Mr. Mayor, Members of Council, so your question on the TI -- in talking to Laurelei I'm not certain we are -- because we are not talking about building walls or doors or anything. We are talking about putting in some security locks and things like that. I'm not sure that we are going to need that with Kreizenbeck, so I don't know that there is really an impact that way and I do want to say -- and I should have started off with this. I truly believe in us having our own prosecution team. I do think that is the right thing and I think your questions are all valid. It is a timing question. And I think Council Member Cavener said it, it's not an if question, it's really the when. I believe this makes sense. You know, again, we can all look in our crystal ball and say, well, I wish we would have done it this way ten years ago, 20 years ago, but it doesn't matter. Where we are today -- we can get us there. It's the timing. It's challenging and that's what we are all trying to navigate and I understand that, but I believe in doing this. I think we can do it. It's just it's going to take some lift and we are not quite there yet so -- on some of it, so -- waiting until the 23rd for more discussion is fine.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I appreciate your flexibility on it, because I think we saw that this was naturally dragging us into a discussion of the fiscal year '27 budget and, again, I just restate, I think it's because if we approve the budget amendment we are saying we are going to move ahead and I feel like we are not, we don't have our arms around this yet. So, I appreciate that. I'm, you know, aligned with Council Woman Strader. I don't think I would be comfortable supporting the budget amendment if we voted on it tonight. I do want to contemplate it, think about it, maybe get some more information from staff, put in the context of a bigger budget and, then, think -- think timing. You don't have to

change your speech. I don't think there is anyone up here who is going to change their mind about having that -- setting up our own prosecution unit. I think that's a priority that we have identified and we know we need to do that, it's just how are we going to do it and do it in a way that is the right way. So, anyway, I appreciate the flexibility and I think that's a good idea to wait until the 23rd.

6. Fiscal Year 2026 Budget Amendment in the amount of \$271,761 for addition of Prosecution Services

Simison: Council, other questions or comments? Okay. I don't think we have to make a motion to do anything to not take up an item.

FUTURE MEETING TOPICS

Simison: So, with that anything under Future Meeting Topics? Besides the ones we heard about UDC's changes, feedbacks, from the team or do I have a motion to adjourn?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Make a motion we adjourn.

Little Roberts: Second.

Simison: Motion and second to adjourn. All in favor signify by saying aye. Opposed nay? The ayes have it. We are adjourned.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 9:23 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK