

Administrative Committee



Regular Meeting ~Agenda~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208-883-7015

**Monday
April 26, 2021**

4:00 PM

**Council Chambers
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to today's meeting. Due to the rise in COVID-19 cases in the area, the meeting is open to the public, but is subject to social distancing protocols and masks will be required of attendees. If you do not have a mask, a disposable mask will be provided. The number of attendees at any one time is limited to no more than 14 due to social distancing requirements in Stage 3 of the Idaho Rebounds Plan and the City of Moscow Public Health Emergency Order. We appreciate and encourage public participation. Citizens wishing to comment on business on the agenda are encouraged to communicate with the Mayor and City Council by phone or email (council@ci.moscow.id.us) in order to respect social distancing protocol. Please note that Council Committee meetings are televised, videotaped and/or recorded. Links to view the City Council meeting live can be found on the City website, YouTube, Facebook and Spectrum Cable 1301. Thank you for your interest in City government.

REGULAR AGENDA

1. Approval of April 12, 2021 Administrative Committee Minutes (ACTION ITEM) - Taylor Riedner

2. Personnel Policy Updates, Pay and Leave Sections (ACTION ITEM) - Jen Pfiffner

Updates to the City of Moscow Personnel Policies continue. Leave, time and attendance, and pay policy drafts include updates to current policies and a new proposed policy. Updates to language throughout are included in the presented drafts, with significant changes to Military Leave and Sick Leave Bank policies. A new proposed Paid Parental Leave Policy is also included for consideration.

Policy sections will continue to be presented for review. As policies are approved, each section will become the current version for use. Timeline for completion for all policies to be updated, reviewed and approved is estimated to be completed by July 2021.

PROPOSED ACTIONS: Recommend approval of the proposed personnel policy or provide staff further direction.

3. Public Art Guidelines 2021 (ACTION ITEM) - Megan Cherry

The Moscow Arts Commission and City staff propose updates to the Public Art Guidelines, which were originally created in 2011. During the intervening years, MAC and Arts staff have recognized the need for greater clarity in the areas of location prioritization as well as selection processes and criteria for each part of the Public Art Collection. Additionally, the City of Moscow Legal Department has provided updates to ensure that the document is in alignment with City code. Following development by the Public Art Subcommittee of the Moscow Arts Commission (MAC), the full MAC discussed these proposed updates during their March 9, 2021 meeting, and voted to recommend the guidelines on April 13, 2021.

PROPOSED ACTIONS: Recommend approval of the Public Art Guidelines, or provide staff further direction.

REPORTS

Staff Report (if needed)

ADJOURN

NOTICE: Moscow City Council and committee meetings are televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

Administrative Committee



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday, April 12, 2021

4:30 PM

**Council Chambers
206 E. Third St.**

The meeting was called to order at 4:30 p.m.

PRESENT: Sandra Kelly, Gina Taruscio, Maureen Laflin (Virtual)

OTHERS: Mayor Bill Lambert, Council Member Art Bettge, Council Member Anne Zabala (Virtual),

STAFF: Mike Ray, Gary Riedner, Chief James Fry, Captain Roger Lanier, Megan Cherry, Kyle Steele (Virtual), Mia Bautista (Virtual), Tyler Palmer (Virtual), Bill Belknap (Virtual), Laurie Hopkins, Taylor Riedner

REGULAR AGENDA

1. Approval of Administrative Committee March 22, 2021 Minutes (ACTION ITEM) - Taylor Riedner

The minutes were approved as presented.

2. One World Café Request for Expanded Sidewalk Café Configuration (ACTION ITEM) – Gary J. Riedner / Laurie Hopkins

In 2007, the City Council formalized a process for the licensing of sidewalk cafes in the Central Business Zoning District. Minimum standards for all sidewalk cafes are included in the Moscow City Code, including the requirement of maintaining an unobstructed pedestrian access on the sidewalk of not less than four contiguous feet. The owners of One World Cafe, located at 6th and Main Streets, have been working with the University of Idaho, Art and Architecture Design/Build studio to create an updated outdoor dining space around the exterior of the building. Because the nature of the proposal is a more robust, yet still a non-permanent improvement, staff is bringing the proposal to City Council for approval. Tyler Palmer, Deputy City Supervisor of Public Works and Services and Steve Schulte Public Utility Manager-Streets/Stormwater have reviewed the drawings and met with the owners and architect on how this proposal can work within the guidelines of the code, as well as maintaining the safety of the public and ADA requirements. The packet includes drawings that meet the requirements of the City Code and the ability to remove all right-of-way encumbrances with reasonable ease and the prohibition on anchoring into the sidewalk.

PROPOSED ACTIONS: Recommend approval of the sidewalk cafe proposal, or provide staff further direction.

Riedner introduced the item as written above and explained it is similar to a previous project brought before Council in 2018 by Colter's Creek. Riedner introduced Sarabeth Pritchett, part owner of One World Café and Scott Lawrence, Assistant Professor, Architecture at the University of Idaho. Pritchett explained the process of working with the U of I Design/Build Studio and that the building owner has an interest in the proposal. Lawrence shared projects the architect students have worked on in the past. The One World project includes various outdoor seating zones; open seating, similar to the existing seating now, corralled seating with ADA accessibility, and fold-out seating with dividers to help control direct sunlight and wind. Each aspect of this project is detachable and non-permanent, and a user's manual shows how the setup and take-down process works. All outdoor seating will be for customers only and will adhere to COVID regulations and social distancing. The estimated time for this project includes 2-3 weeks of onsite construction since most of the materials are pre-fabricated and made offsite to reduce

setup and take downtime. The Committee recommended approval and that it be placed on the Council consent agenda.

3. Lee Newbill Safety Fair Donation Request (ACTION ITEM) - Gary J. Riedner

The Lee Newbill Safety Fair was not held in 2020, due to the COVID-19 pandemic response. This year, the Safety Fair is proposed to be held in some form. Staff discussed several pandemic related issues that could impact a decision by the City to allow the event or allow City employees to participate in the event. Part of that discussion included the possibility that the City could participate in the purchase of bicycle helmets if the event was held. The bicycle helmet program, whereby the Moscow Police Department gives away helmets to young riders, is the center piece of the Safety Fair. The Safety Fair Committee met to discuss several options and MPD Captain Roger Lanier presented the potential for both a revised Safety Fair format, and City participation in the purchase of bicycle helmets for the give away. The Safety Fair Committee decided it was too risky to plan for a full scale Safety Fair at this time, even if it was held later in the summer. The Committee also agreed that going two years in a row without distributing helmets to Moscow children doesn't serve the needs of kids in our community. After deliberations the Committee agreed that several smaller events will be held at the schools to address helmet giveaways. The Safe Routes to Schools program will use a format they have used successfully in the past, and will coordinate with Moscow School District to set up the events. MPD will participate as available with bike and patrol officers and various services clubs will also provide volunteers.

The Safe Routes to School program has \$1000 to contribute toward purchasing helmets and the Safety Fair committee will contribute \$2000. The Committee is requesting the City of Moscow to contribute an additional \$2000 toward the purchase of helmets. The Moscow Police Department will coordinate the purchase of the helmets as the MPD has an established relationship with the vendor. Since the goal has always been to provide helmets to kids before the summer riding season, the funds are requested as soon as possible so helmets can be ordered and distributed. It is anticipated that events will be held in late April and in May before school is out for summer break.

It is proposed that funding be provided from Legislative Non-Prioritized Projects (101-010-10-670-16).

PROPOSED ACTIONS: Recommend approval of \$2,000 from Legislative Non-Prioritized Projects (101-010-10-670-16) for purchase of bicycle helmets for the 2021 Lee Newbill Safety Fair, or provide staff further direction.

Riedner introduced the item as written above. Captain Lanier stated that over the last few years, the Safety Fair has distributed between 500-600 helmets annually and provided a bicycle safety skills course to children. Needing no further discussion, the Committee recommended approval and that it be placed on the Council regular agenda.

4. Stormwater User Fee Credits and Waivers Summary (ACTION ITEM) - Kyle Steele

The City Council established a Stormwater Utility with the adoption of Title 5, Chapter 19 earlier this year. The utility provides the City with the authorization to equitably allocate the operation, maintenance, improvement, and regulatory compliance expenses of the City's Stormwater Control System to users of the System in proportion to the level and type of services received from the System. It also allows the City to provide for the establishment of a system of stormwater user fees, and requires that the City provide a written system of user fee credits and exemptions to better individualize fees to reflect a customer's stormwater burdens and services. Staff is proposing a system of user fee credits and waivers for management practices and activities that reduce the costs to provide stormwater management related services, reduces a customer's burden on the City Stormwater Control System and therefore receives a lower level of City stormwater services.

PROPOSED ACTIONS: Recommend adoption of the stormwater user fee credits and waivers, or provide staff further direction.

Steele introduced the item by giving a brief history of the stormwater management program. In the packet, there is a summary of credits and waivers, a description of the different areas of impact, and the eligibility criteria. Waivers include non-use, vacant undeveloped property, public roads, city-owned buildings and facilities, city-owned buildings, public parks, open spaces, trails, and paths. Council asked to be provided a scale of the fees for additional detail. The Finance Department should receive the final numbers by July and be ready to execute in October. The Committee recommended approval and that it be placed on the Council regular agenda.

5. Ordinance Amending Title 4, Chapter 6 of Moscow City Code Regarding Amendments to the Outdoor Lighting Code for Public Art (ACTION ITEM) - Mike Ray

With the installation of the recent Homecoming public art project at the north couplet, there has been some discussion among staff regarding the lighting of public art in the City. Currently the majority of lighting is required to be full cut-off with up-lighting only permitted in certain circumstances. The Arts Department requested that the Planning and Zoning Commission review the current lighting ordinance to see if there's a possibility of providing an exemption from the full cut-off requirement for freestanding public art. The Commission conducted a special meeting on January 11, 2021 and reviewed different lighting options at the Helioterra public art installation. The Commission then directed Staff to prepare an ordinance amending the lighting code to allow up-lighting for public art. The Commission conducted a public hearing on the proposed ordinance on March 10, 2021 and recommended approval to City Council. The public hearing before the City Council has been scheduled for April 19, 2021.

PROPOSED ACTIONS: Recommend forwarding the proposed ordinance for public hearing at the Council's upcoming April 19, 2021 meeting; or provide staff further direction.

Ray introduced the item as written above and mentioned other public art which would benefit from the lighting. The Planning and Zoning Commission considered specific requirements and exceptions for outdoor and night-time lighting such as brightness, locations, safety hazards, and surrounding land trespassing. This amendment is a hybrid between the flag pole and sign lighting regulations. Needing no further discussion, the Committee recommended approval and that it be placed on the Council regular agenda.

ADJOURN

The meeting adjourned at 5:37 pm.

COMMITTEE STAFF REPORT

DATE: Monday, April 26, 2021



RESPONSIBLE STAFF

Jen Pfiffner, Deputy City Supervisor - Culture, Recreation and Employee Services

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Personnel Policy Updates, Pay and Leave Sections (ACTION ITEM) - Jen Pfiffner

DESCRIPTION

Updates to the City of Moscow Personnel Policies continue. Leave, time and attendance, and pay policy drafts include updates to current policies and new policies. Updates to language throughout are included in the presented drafts, with significant changes to Military Leave and Sick Leave Bank policies. A new proposed Paid Parental Leave Policy is also included for consideration.

Policies Proposed and Approved to Date
Hiring
Compensation & Benefit Structure
Telecommuting

Currently Under Consideration
Leave
Time & Attendance
Pay

Policies Updates Under Development for Future Council Review
Conduct
Performance
Disciplinary
Work Status
Rules (i.e. cell phones in vehicles, social media, etc.)

Policy sections will continue to be presented for review. As policies are approved, each section will become the current version for use. Timeline for completion for all policies to be updated, reviewed and approved is estimated to be completed by July 2021.

STAFF RECOMMENDATION

Recommend approval of the proposed personnel policies.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the proposed personnel policy or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Pay and Leave Policies Council Review

LEAVES OF ABSENCE

It is the policy of the City to grant employees leaves of absence under certain circumstances. These leave types include unforeseen circumstances, military obligations, holidays, vacation, and sick leave. Leaves of absence included below are structured to eliminate the need for any employee to enter into leave without pay status. Leave without pay (LWOP) is a temporary non-pay status and absence from work and is not allowed at the City of Moscow as benefit payments become affected. The following Federal exceptions do apply:

- The Family and Medical Leave Act of 1993 (FMLA) (Public Law 103-3, February 5, 1993), provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs. (See 5 CFR part 630, subpart L.)
 - The City will comply with the provisions of the Federal Family and Medical Leave Act (FMLA). The City of Moscow FMLA Policy outlines the FMLA's requirements, including the rights and obligations of employees, eligibility and notification requirements, and the City's obligations.
- The Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353) provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.)
- Executive Order 5396, July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.
- Employees may not be in pay status while receiving workers' compensation payments from the Department of Labor.

LEAVE APPROVAL

Leave hours begin accruing on the date of hire and can be used with supervisory approval after completing six months employment. Leave types that do not accrue are available immediately and can be used with supervisory approval. Leave anticipated at hire will be addressed in hiring process.

Requests for a routine leave of absence, as outlined in these policies are to be requested or scheduled in advance by the employee in consultation with their supervisor. Unless otherwise noted, all leave approvals must be made by the employee's direct supervisor.

Extended leaves of absence or any extension of a previously requested and approved leave should be submitted in writing to the employee's supervisor as soon as is practical before the leave requested. The supervisor will forward the request to the group's Deputy City Supervisor and the Human Resources Department and the City Supervisor for review. These leave types may include:

- Disability
- Workers Compensation Related
- Sick Leave Bank
- Family Medical Leave Act (FMLA)

All employees on approved leave are expected to report any change of status in their need for leave or their intention to return to work to their supervisor, who will keep the group's Deputy City Supervisor and Human Resources Department informed.

Employees returning from any leave of absence will be reinstated to their same job or an equivalent job with equivalent status and pay, as required by law. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined by the City in conjunction with applicable federal and state law.

PAID PARENTAL LEAVE

Employees are eligible to receive up to four consecutive weeks of 100% paid parental leave to eligible employees to be used within the first 12 weeks of the birth or adoption of his or her child, paid on the employee's regular payroll dates.

Paid Parental Leave is intended to provide employees the time and financial support to adjust to the addition of a new family member during the important period immediately following the birth or adoption of a child for activities related to the physical and mental wellbeing and care of the child and parents.

If both parents are City employees that meet the eligibility criteria, each parent is eligible to receive the four-week paid parental leave benefit. An eligible parent is defined as a biological parent, same-sex spousal equivalent, or a new adoptive parent. An individual who adopts a spouse or partner's previous child(ren) is not eligible for this benefit.

City employees regularly working thirty (30) or more hours per week who have been employed for the previous twelve (12) consecutive months and have worked for at least one thousand two hundred fifty (1,250) hours during the prior twelve (12) month period are eligible for Paid Parental Leave. Eligibility requirements must be met as of the last day worked prior to the start of the paid leave.

Part-time employees who work an average of 30 hours per week will receive Paid Parental Leave on a prorated basis. Temporary employees are ineligible for Paid Parental Leave.

BEREAVEMENT

Up to three (3) days of paid bereavement leave is available in the event of the death of an employee's immediate family member or a person living in the same household. Bereavement leave may be extended for an additional five (5) working days by deduction from the employee's sick leave accrual. The compensable days must fall within the regularly scheduled workweek and must be approved in advance by the employee's supervisor and department head.

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JURY DUTY

A paid leave of absence will be granted to employees who serve on jury duty. Employees will be paid their regular pay rate, including all benefits in order to maintain in-service pay status. In exchange, the employee's compensation from jury duty is paid over to the City of Moscow up to, but not to exceed, the net pay distributed to the employee. An employee whose public service duty is completed before the midpoint of his/her typical working day is expected to return to his/her work location at the City. As an alternative, employees may take vacation leave to meet jury duty or witness obligations and may retain both City paid wages as well as court compensation.

DRAFT

HOURS OF WORK

It is the policy of the City to establish the time and duration of working hours as required by the workload, customer service needs, the efficient management of personnel and departmental resources, and any applicable law.

Each Supervisor determines the schedule of hours for employees with final determination by the Deputy City Supervisor or City Supervisor. Employees are to be informed of their daily schedule of hours of work, including meal and rest periods, and any changes deemed necessary or desirable by the City.

Supervisors may schedule overtime or extra shifts when, and to the extent, it is deemed necessary. Supervisors will assign overtime to non-exempt employees in a particular job for which overtime is required. Employees are not permitted to work overtime without the prior approval of their Supervisor.

Employee attendance at lectures, meetings, and training programs, including travel time will be considered hours of work if such attendance is requested or approved by their Supervisor.

At their discretion, supervisors may allow non-exempt employees to make-up lost time during a given workweek, if the make-up time does not result in placing the employee on overtime.

All non-exempt employees are required to complete an individual time record showing the daily hours worked.

REST & MEAL PERIODS

Idaho law does not require employers to give breaks or meal periods. However, the City of Moscow is committed to providing a work environment that supports employees' best efforts. As such, rest and meal periods are provided for employees as follows:

Rest Periods

All employees are permitted a 15-minute paid rest break for each four-hour work period unless conditions do not allow. Breaks are not permitted at either the beginning or end of the workday to offset arrival and departure times. Employees who choose to remain at work during rest breaks are not entitled to leave before the scheduled quitting time and will not receive extra pay for the time worked. Employees who voluntarily work through their rest breaks will not be paid additional compensation.

Time spent on rest breaks will be compensated as working time, and employees are not required to sign out and in on their time cards. However, employees are expected to be punctual in starting and ending their breaks.

Meal Periods

All employees who work eight or more hours in a day are required to take an unpaid meal break of 30 to 60 minutes depending on operating requirements. Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department. Meal breaks are not counted toward hours worked.

Employees are to be completely relieved from duty during their meal break. If a non-exempt employee is required by his/her supervisor to perform any work duties while on his or her meal break period, the employee must be compensated for the time spent performing work duties. The time spent working during the meal break will be counted toward the total hours worked.

Enforcement

Supervisors are responsible for scheduling the time for employee rest and meal periods and should take into consideration the workload and the nature of the job performed. Supervisors may also schedule the place for rest breaks. Whenever necessary, the frequency, time, and place of meal and rest periods may be changed.

ATTENDANCE AND PUNCTUALITY

The City requires all employees to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.

Supervisors will notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.

Employees must notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. Such notification should include a reason for the absence or tardiness and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to supervisor's supervisor.

Employees are to be compensated during authorized absences in accordance with City policies. Non-exempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds ten minutes after starting time or before quitting time. Failure to properly notify the City of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action, up to and including termination.

Employees who are delayed in reporting for work more than thirty minutes and who have not notified their supervisor of the expected tardiness may lose their opportunity to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. Employees who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work.

Employees are expected to report for work during inclement weather conditions if the City does not declare an emergency closing.

Employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost if the result of making up such time will put the employee in overtime status during the workweek.

Employees must report to their supervisor as soon as possible when late or absent, to explain the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination.

Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.

Employees who are absent from work for three consecutive days without giving proper notice to the City will be considered as having voluntarily quit and/or resigned. At that time, the City will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

DRAFT

OVERTIME

Overtime pay earned in a particular workweek must be paid on the regular payday for the pay period in which the wages were earned. The amount of overtime pay due to an employee is based on the employee's regular rate of pay and the number of hours worked in a work period as defined in this policy document. For the purposes of this policy, employee classifications may be referenced as adopted in this document. Specifically, all employees are classified as exempt (salaried) or non-exempt (hourly) for purposes of complying with the federal Fair Labor Standards Act (FLSA).

It is the policy of the City to avoid the necessity for overtime work. When overtime is necessary and consistent with protection of the lives and property of the citizens of Moscow and the efficient operation of the various Departments, such overtime may be authorized by the employee's supervisor, but shall be kept at a minimum.

Overtime applies to only non-exempt employees and shall be defined as any time worked beyond the regular hours designated in the work period. A minimum of 40 hours per work period for non-public safety personnel and 80 hours per pay period for sworn law enforcement/fire personnel before overtime is applied.

Hours charged to sick leave, annual leave, compensatory time or a City-designated holiday will be counted as hours worked for overtime purposes. **EXCEPT**, only for emergency services personnel who work shifts, holiday pay will not be counted when calculating the number of hours worked during a forty (40) hour pay period

Non-exempt (hourly) employees (as defined by the Fair Labor Standards Act) receive overtime pay of one and one-half times their regular rate of pay for all hours worked in excess of forty (40) hours in a work week.

Supervisors are responsible for ensuring that overtime hours are kept to a minimum. The Supervisor has the discretion, in situations where an employee works more hours than their regular work schedule, to adjust the employee's hours for the rest of the work period to avoid overtime whenever possible.

Employees entitled to overtime compensation will receive overtime pay at a rate of one and one-half times their regular rate of pay for each hour worked in excess of the defined work period. The City will allow the accumulation of compensatory time instead of overtime pay at a rate of 1 ½ hours for each hour worked in excess of the defined work period.

To earn overtime compensation, an employee must have his/her immediate Supervisor's prior approval. Overtime work required to meet an emergency does not require advance approval, but must be approved by the immediate Supervisor for payroll purposes.

COMPENSATORY PAY

Compensatory time off is time off with pay earned at the rate of 1.5 hours of leave in lieu of taking overtime pay. The City will allow the accumulation of compensatory time in lieu of cash in an amount not to exceed eighty (80) hours at any time. University Special Events overtime shall not be taken in compensatory time. Compensatory time must be approved by the immediate supervisor.

When an employee selects compensatory time in lieu of cash, a later request to convert the compensatory time to cash will not be permitted.

Employees will be paid for all accrued compensatory time upon their termination of employment.

DRAFT

COMPENSATORY TIME

Compensatory time, is leave that is earned in lieu of taking overtime pay. Compensatory time may be earned whenever required by a supervisor or when requested by an employee with a supervisor's approval.

The use of compensatory time off should be requested forty-eight (48) hours in advance and approved by the supervisor or department head. This time limitation may be altered on a case by case basis at the discretion of the supervisor or department head. The use of earned compensatory leave depends upon the department's ability to effectively operate during a requested absence. Every effort will be made to permit an employee to use compensatory leave on the date requested unless doing so would unduly disrupt the operations of the department.

If repeated requests to use compensatory time are unable to be scheduled, reasonable opportunities to use such time are unavailing, an employee's accrued compensatory time will be paid via the payroll process.

Compensatory time is not available to be used until the work period following the work period in which it was earned. More specifically, employees may not work more hours in the one week of a work period to earn compensatory time, then take that time in the other week of a work period when less than their regularly scheduled hours are worked.

PAYROLL & TIME RECORDS

Employees are paid every two weeks throughout the year. All paychecks are distributed by direct deposit with paystubs issued on every payday. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.

Each non-exempt employee is responsible to accurately record time that he/she has worked following the procedures established by the Finance Department - Payroll Office. Each report of non-exempt employees must be signed manually or electronically by both the Supervisor and the employee. It must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Any changes to the time record made by a Supervisor or the Payroll Office to correct mistakes must be acknowledged by the employee. Exempt employees may be required to document time worked or benefits used for accountability purposes.

Employees may not falsify their timesheet or alter another employee's timesheet in any way. Employees must not under- or over-report hours worked by themselves or other employees, or conceal any falsification of time records, even if instructed to do so by a supervisor, department head, an Elected Official, or another person. If instructed to do so, the employee must immediately report it to the City Attorney.

Every effort will be made to ensure that employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. Each employee must monitor the accuracy of compensation received and review his/her paper or electronic paycheck stub when received to make sure it is correct. The information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with the City's official policy. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the City Council, the policy will prevail. Employees are obligated to call the City's attention to any such errors, whether to the employee's advantage or disadvantage. When mistakes are made and are called to the City's attention, the City will correct the error as soon as possible.

INACTIVE-DUTY OR TRAINING MILITARY LEAVE

Any full-time or permanent part-time employee serving in the United States uniformed services is entitled to time off at full pay for certain types of inactive duty in the National Guard or as a Reserve of the Armed Forces. This leave category is provided to cover the hours of leave necessary to cover the period of inactive duty, training, and necessary travel (the equivalent of up to approximately three 40-hour workweeks). Employees have three options for managing their military time and pay as follows:

1. During this period of leave, City employees may be paid their regular pay rate, including all benefits to maintain in-service pay status (prorated for permanent part-time employees by the number of hours in the employee's regular schedule). In exchange, compensation the employee receives from active or inactive duty is paid over to the City of Moscow up to, but not to exceed, the net pay distributed to the employee.
2. An employee may be eligible for leave without pay, as long as the employee has a combination of hours worked, vacation used, or compensatory time is taken, which equals 20 hours or more in any week. This instance also requires verification from payroll that all employee obligations for payroll deductions and expenses can be met.
3. An employee may take vacation leave to meet inactive-duty or training obligations and may retain both City paid wages as well as military paid wages.

ACTIVE-DUTY MILITARY LEAVE

Active-Duty Military Leave is granted if an employee is absent to serve in the United States' uniformed services for a period of up to five years (not including specific involuntary extensions of service). A leave without pay of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 46-409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA). The City will re-employ returning service members in the job that they would have maintained had they not been absent for uniformed service who perform and return from service in the Armed Forces, the Military Reserves, the National Guard, or certain Public Health Service positions will retain certain rights with respect to reinstatement, seniority, layoffs, and compensation.

If the employee's military leave is for 30 days or less, the City will continue health benefits as if the employee is actively working. If the employee's military leave is for a period of 31 days or more, the City will terminate paid status benefits, but will provide COBRA-like benefits, cost to be paid by the employee, for up to 24 months as required by USERRA (subject to change based on USERRA law).

Employees returning from a military leave must also comply with all of the reinstatement requirements specified by federal law. If the same job or one of equivalent status and pay is not available due to a reduction in force, the employee will be treated in the same manner as though he/she were not on leave at the time of the reduction in force.

MOSCOW VOLUNTEER FIRE DEPARTMENT LEAVE

City of Moscow employees are, at the discretion of their supervisor, granted time off with pay during regular work hours while serving as a volunteer with the Moscow Volunteer Fire Department for active call outs. Employees must be in good standing with their supervisor and department. Overtime is not permitted to accommodate for volunteer hours provided during regular work hours.

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DISCRETIONARY LEAVE

Paid time off not deducted from any leave bank provided to exempt employees only and may be approved only by the City Supervisor or by the Deputy City Supervisors.

DRAFT

HOLIDAYS

It is the policy of the City to designate and observe certain days each year as holidays. Holidays begin at midnight and end at 11:59 p.m. the following day. The City observes holidays that occur on a Saturday or Sunday on either the preceding Friday or following Monday. Holidays observed by the City include the following (other holidays may be declared by the Mayor and City Council):

- New Year's Day (January 1)
- Idaho Human Rights Day (3rd Monday of January)
- President's Day (3rd Monday of February)
- Memorial Day (last Monday of May)
- Independence Day (July 4)
- Labor Day (1st Monday of September)
- Thanksgiving Day (4th Thursday of November)
- The day following Thanksgiving (substitute for Columbus Day)
- Christmas Day (December 25)

Holiday are paid per employee types as follows:

- Regular full-time employees are eligible to receive their regular pay rate for eight (8) hours for each observed holiday.
- Regular part-time employees who work 30 or more hours per week are eligible to receive holiday pay on a pro-rata basis and only for their regularly scheduled number of hours up to 8 hours.
- Temporary employees and employees on leaves of absence or on layoff are not eligible to receive holiday pay.

To receive holiday pay, an eligible employee must be at work, or on an approved absence, on the workdays both immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or other paid leave. If an employee is absent on one or both of these days because of an illness or injury, the City reserves the right to verify the reason for the absence before approving holiday pay.

Non-exempt employees who work on a City-designated holiday may choose compensatory time off or pay at the rate of one and one-half times the amount of time worked.

FLOATING HOLIDAY

Eight hours of personal time each calendar year may be taken as a paid day off. Floating holidays may not be carried over to the next calendar year.

Requests for the use of an employee's Floating Holiday are to be made in writing to the responsible supervisor. Efforts will be made to accommodate the preference of the employee in Floating Holiday scheduling, but first priority will be the orderly functioning of affected departments. Floating Holiday's may not be used until they are earned. Floating Holiday's may be taken in eight-hour increments only.

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VACATION

Full-time, regular employees are eligible to accrue vacation leave based on length of service. The City Supervisor may determine the vacation accrual rates for new employees. Part-time employees who work an average of 30 hours per week accrue vacation hours on a prorated basis. Temporary employees are ineligible for vacation accrual.

Full-time, regular employees accrue vacation at the following rates, exempt employees may qualify for a different accrual schedule:

	Non-Exempt Employees	FLSA Exempt Employees
• Year 1 through 4	8 hours per month	12 hours per month
• Year 5 through 8	10 hours per month	14 hours per month
• Year 9 through 12	12 hours per month	16 hours per month
• Year 13 through 16	14 hours per month	18 hours per month
• Year 17 through 20	16 hours per month	18 hours per month
• Year 21 +	18 hours per month	18 hours per month

The maximum accumulation at the end of the calendar year is 240 hours. An employee may request an additional 40 hours to be rolled over at the end of the year. All requests are subject to approval by employee's supervisor and the City Supervisor.

Requests for vacation leave are to be made in writing to the responsible supervisor. Efforts will be made to accommodate the employee's preference in vacation scheduling, but the first priority will be the orderly functioning of the affected departments. Vacation leave may not be used until it is earned or in any amount greater than the number of vacation leave hours accrued.

If a paid holiday falls within an employee's vacation period, time for the holiday will not be charged to the employee's vacation credit. If an employee qualifies for sick leave during his/her vacation period, such time will not be charged to the employee's vacation credit.

Upon termination of employment, employees shall be paid for all unused vacation accrued. Employees who leave in good standing may be eligible by approval of the City Supervisor to take vacation to extend their in-pay status beyond their final day in office.

DISABILITY LEAVE

Employees who are unable to work because of a disability may be granted a disability leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. It also covers injury, alcoholism and/or drug dependence, mental illness, or prolonged physical illness. Sick leave rules apply to this type of leave.

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SICK LEAVE

The City recognizes that there are times when employees themselves or their dependents have health problems that require time away from work. Sick leave is provided for the following circumstances.

- a. Personal illness or injury including pregnancy and birth of a child;
- b. Care for children, spouse or other members of immediate family when they have a health condition that requires supervision/ treatment;
- c. Medical, dental or optical appointments for self or dependents, if arranged in advance with the appropriate supervisor;
- d. Up to five works days of sick leave may be used for Bereavement Leave.

Regular, full-time employees accrue three point six-nine (3.69) hours of sick leave per pay period of continuous service. Regular part-time employees who work an average of thirty (30) hours per week accrue sick leave hours on a prorated basis. Sick leave accrues only when an employee's status is active, i.e., working or taking paid time off. The maximum accumulation of sick leave is nine hundred sixty (960) hours. Once maximum accumulation is reached, no additional hours are accumulated until the employee's balance falls below nine hundred sixty (960) hours.

In the event sick leave is needed, the appropriate supervisor must be notified initially; daily contact must be made after that unless otherwise arranged. A signed physician's release may be required for leaves of three days or more.

A supervisor may request a signed physician's release at any time when an employee is suspected of abusing sick leave. Absences that are designated as Family and Medical Leave Act absences must be converted to a leave of absence if employment rights are to be maintained under the FMLA. Employees returning from sick leave may be asked to provide certification of their ability to perform their job's essential functions.

Sick leave may not be used until it is earned or in any amount greater than the number of sick leave hours accrued.

Any misuse of sick leave will be considered cause for discipline, which may include termination of employment.

When an employee leaves City employment in good standing, with the City Supervisor's approval, 15% of the value of sick leave hours accumulated will be contributed to the employee's VEBA account. Sick leave payout is forfeited when an employee leaves City employment due to termination.

SICK LEAVE BANK

The purpose of the Sick Leave Bank is to provide a means of obtaining additional sick leave days to avoid loss of compensation and to remain in pay status due to a significant or catastrophic illness or injury. Catastrophic injury or illness is defined as a life-threatening condition or combination of conditions affecting the mental or physical health of the employee. The catastrophic illness or injury must require the services of a health provider. This benefit is available to eligible, voluntarily participating employees who have legitimately exhausted all of their accumulated sick and vacation leave.

The sick leave bank will not be made available in cases of suspected sick leave abuse.

Human Resources shall be responsible for managing and administering the Sick Leave Bank to include the procedural establishment, solicitation of contributions, processing of applications, and records management.

All regular full-time City of Moscow employees who have a sick leave balance of forty (40) or more hours at the time of the initial contribution of eight (8) hours of sick leave shall be eligible to participate in the Sick Leave Bank. Initial contributions are deducted from the sick leave days available to the contributing employee. Once hours are contributed to the Sick Leave Bank, they may not be reclaimed by the employee. Only employees who are active members of the Sick Leave Bank shall be eligible to draw on the Sick Leave Bank.

Newly hired employees shall be eligible to participate in the Sick Leave Bank the month following the successful completion of their introductory period and after their initial contribution has been made. Once employees elect to participate in the Sick Leave Bank, membership is established for the duration of their employment with the City of Moscow.

A participant granted leave of absence shall retain his/her status upon returning to regular duties.

Criteria for Sick Leave Bank usage is as follows:

- a. Catastrophic accident by the employee requiring absences from work.
- b. Catastrophic illness of the employee.
- c. Extended hospitalization of the employee.

Appropriateness of previously used employee earned sick leave will be considered. No requestor may borrow more than twenty (20) days of sick leave at any one time. Requests are limited to two per incident.

An employee may apply for Sick Leave Bank hours only after exhausting all accumulated paid leave time. This time includes all earned vacation, sick, and compensatory time. The employee must apply for approval as outlined in the application and approval process. Once approved, the employee may draw on sick leave hours granted.

To be considered for Sick Leave Bank hours, an application, signed by the employee's supervisor(s), must be submitted to the Human Resources Department for approval by the City Supervisor. Applications for Sick Leave Bank assistance must be in writing and accompanied by appropriate documentation outlined in the application. Progress reports may be required as a condition of receiving sick leave hours from the Sick Leave Bank.

If the City of Moscow discontinues the Sick Leave Bank - employees who are members in good standing will be credited 8 hours of sick leave to their accounts.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

This section contains a summary of FMLA rights and responsibilities and is not intended to be a complete statement of all FMLA issues that may arise. Please check with the Human Resources Office in identifying FMLA leave issues.

- The US Department of Labor has published an FMLA resource for employees: www.dol.gov/whd/fmla/employeeguide.pdf.
- It has also published a guide for employers that is also beneficial to employees: www.dol.gov/whd/fmla/employerguide.pdf.

Eligibility Requirements

To be eligible for FMLA benefits, before any leave request, the employee:

1. must have worked for the City for at least twelve (12) months; and
2. must have worked at least one thousand two hundred fifty (1,250) hours for the City during the previous twelve (12) months;

FMLA Rights

1. An eligible employee is entitled to job-protected, leave without pay for the following reasons:
 - a. birth and care of the eligible employee's newborn child within one (1) year of birth;
 - b. placement for adoption or foster care of a child with the employee, which must conclude within 12 months of the birth or placement of the child;
 - c. care of an immediate family member (spouse, child, parent) who has a serious health condition;
 - d. care of the employee's own serious health condition; or
 - e. any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty in the Armed Forces.
2. The employee may request up to twelve (12) workweeks of leave during which the City will continue the employee's benefits (employer portion only). The twelve (12)-month period is determined using a "rolling" twelve (12)-month period measured backward to the date an employee first uses any FMLA leave. If the employee does not return to work at the end of the FMLA leave for reasons other than the continued serious health condition of the employee or eligible family member, the City may recover from the employee the premiums that were paid for the employee's medical coverage during the FMLA leave period.
3. Total FMLA leave for employee spouses/parents who both work for the City is twelve (12) workweeks combined if the leave is for reasons other than the employee's own personal serious illness.

Concurrent Use of Accrued Leave and Worker's Compensation Required

1. Employees are required to use any accrued paid vacation and sick leave concurrently with any FMLA leave. If the employee does not have sufficient accrued vacation and sick leave to cover the time out on FMLA leave, the employee may take the remainder of FMLA

leave as leave without pay. Employees will continue to accrue vacation and sick leave while utilizing such leave, but will not accrue such leave during the unpaid portion of their leave.

2. If the employee is on Worker's Compensation leave, such leave will also run concurrently with any FMLA leave.

Employee Obligations

1. Employees are required to give thirty (30) days advance notice or as much time as practical when the need for FMLA leave is foreseeable. The employee must notify his/her supervisor and the Human Resources Department immediately.
2. The employee may be required to provide medical certification by his/her physician or medical practitioner indicating the diagnosis and probable duration of the employee's or family member's FMLA qualifying medical condition. The City may also require second or third opinions at the City's expense.
3. Employees who are on FMLA leave for their own serious illness for at least two (2) weeks or ten (10) working days are required to provide a medical practitioner's fitness for duty report prior to returning to work. The employee must provide his/her medical practitioner with an official City of Moscow job description so that the practitioner can evaluate whether the employee will be able to perform all of his/her duties on his/her return to work. FMLA leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely the City's in compliance with the provisions of FMLA. If a doctor finds that the employee is not fit to return to duty, the employee will not be allowed to return to work.
4. An employee on FMLA leave will not be allowed to work for any other employer without prior approval from his/her supervisor. An employee who violates this rule will be subject to disciplinary proceedings up to and including termination from employment.
5. Employees should contact the Human Resources Department to discuss their rights and obligations for continuation of any current benefits they are receiving. Employees must plan for payment of their portion of their benefit costs or discontinuation of those benefits will occur.
6. To request FMLA leave, the employee must contact the Human Resource Department indicating the reason for requesting FMLA leave and the expected duration of leave and memorialize the request in writing.

Types of FMLA Leave

There are two types of FMLA leave: continuous and intermittent/reduced work schedule.

1. Continuous FMLA Leave. An employee, who is off work entirely for a single qualifying reason, is on continuous FMLA leave.
2. Intermittent FMLA Leave. Employees requesting intermittent leave or reduced work hours should schedule their leave so as to disrupt the City's operations as little as possible. FMLA leave may be taken intermittently or on a reduced leave schedule with prior written approval from the employee's supervisor or when "medically necessary." In the circumstance of birth or placement of a child for adoption or foster care.

Intermittent leave is processed as other FMLA leave types, ongoing scheduling requires approval by the employee's supervisor and group Deputy City Supervisor.

Employer's Rights and Obligations.

1. The City has the right to determine whether the employee is or is not an "eligible employee" under the Act and to place an employee on FMLA leave without the employee's consent if the employee meets the eligibility requirements under the Act.
2. The City may require periodic notices of the employee's FMLA status and his/her intent to return to work. If an employee gives unequivocal notice of intent not to return to work, the City's obligations under FMLA to maintain health benefits (subject to COBRA requirements) and to restore the employee cease.
3. The City will return the employee to the same or an equivalent position after returning from FMLA leave with equivalent pay, benefits, and working conditions, subject to the terms of the FMLA. The only exception may be for individuals who, under the provisions of the FMLA, are considered to be a "key employee" whose extended absence would cause "substantial and grievous economic injury".
4. The City may request medical certification that an employee is fit to resume work. Employees returning from leave will be restored to their original or equivalent position if they are physically and mentally able to perform their previous duties at their previous level of competence. In cases where these conditions are not met, the City will attempt to place the employee in a position appropriate to his/her competence, subject to availability of funds.

The National Defense Authorization Act

1. The FMLA provides an entitlement of up to twenty-six (26) weeks of leave without pay during a single twelve (12) month period to an eligible employee who must care for a covered service member, defined as a person who is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty that renders that person unfit to perform his or her duties in the Armed Forces. If this type of leave is requested, the City may require medical certification that the service member being cared for has a serious health condition and that it was incurred in the line of duty.
2. FMLA also provides twelve (12) weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. If this type of leave is requested, the City may require certification that the service member has actually been called to active duty.
3. Employees are required to provide prior notice when the need for this type of FMLA military leave is foreseeable.

COMMITTEE STAFF REPORT

DATE: Monday, April 26, 2021



RESPONSIBLE STAFF

Megan Cherry, Arts Program Manager

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Public Art Guidelines 2021 (ACTION ITEM) - Megan Cherry

DESCRIPTION

The Moscow Arts Commission and City staff propose updates to the Public Art Guidelines, which were originally created in 2011. During the intervening years, MAC and Arts staff have recognized the need for greater clarity in the areas of location prioritization as well as selection processes and criteria for each part of the Public Art Collection. Additionally, the City of Moscow Legal Department has provided updates to ensure that the document is in alignment with City code. Following development by the Public Art Subcommittee of the Moscow Arts Commission (MAC), the full MAC discussed these proposed updates during their March 9, 2021 meeting, and voted to recommend the guidelines on April 13, 2021.

STAFF RECOMMENDATION

Recommend approval of the Public Art Guidelines.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the Public Art Guidelines, or provide staff further direction.

FISCAL IMPACT

Adoption of these Public Art Guidelines will not have a fiscal impact.

PERSONNEL IMPACT

Adoption of these Public Art Guidelines will not impact personnel resources.

ATTACHMENTS

1. 2021_Public Art Guidelines_Final Draft for Council

CITY OF MOSCOW PUBLIC ART GUIDELINES

I. GENERAL PROVISIONS

A. PURPOSE

The purpose of the Moscow public art program is to provide access to the arts by integrating a wide range of public art into the community, reflecting a diversity of artistic styles, disciplines, and points of view.

B. PROGRAM GOALS

Goals of the public art program include: broadening the role of the artist in the community; increasing awareness of public art's value as well as selection and management processes; prioritizing artist and community member input when identifying public art locations and project parameters; developing project budgets and timelines in accordance with current arts industry standards; maintaining good stewardship of grant and donation monies as well as resources from the 1% for the Arts fund; encouraging early collaboration among artists, architects, engineers and owners; dispensing public art throughout the City of Moscow; facilitating the inclusion of art in public places in order to beautify public areas, to enhance the quality of life for Moscow citizens, to attract tourism, and to provide incentives to businesses to locate within the City, thus expanding Moscow's economic base; providing proper cataloging and maintenance of the public art collection; preserving and relocating artworks displaced through improvement projects; ensuring that public agencies and community representatives participate in the selection of public artworks and their locations; and promoting public dialogue and understanding of public art.

II. MOSCOW ARTS COMMISSION

A. ORGANIZATION OF MAC

The Moscow Arts Commission was established by City Council on October 2, 1978 (by Ordinance No. 1370) and was codified into Moscow City Code Title 3, Chapter 4. Currently, pursuant to Moscow City Code, Title 3, Chapter 4, Section 4-1. the MAC is comprised of not more than twelve (12) voting members, serving without pay. A non-voting member of this Commission shall not be considered in determining the number required for a quorum or whether a quorum is present. Members of the Commission shall be appointed by the Mayor, with the advice of and subject to the approval of the Council. This Commission of not more than twelve (12) members shall also consist of not more than three (3) Latah County residents who do not reside within City Limits. One (1) ex-officio member thereof shall be a member of the Council, who shall not vote and to serve a term of one year. The other members thereof may be appointed at large. Except as otherwise specifically provided herein, the term of office of the Commission members shall be four (4) years, or until their successors are appointed and qualified, except that the members of such Commission first appointed shall be appointed such that the terms of four (4) members shall expire annually thereafter. The members shall hold office at the pleasure of

the Mayor. The Mayor may revoke their appointment at any time and for any reasons deemed sufficient by the Mayor, with the advice of and subject to the approval of the Council. Vacancies in such Commission, occurring otherwise than by expiration of term, shall be filled by the Mayor with the advice and subject to the approval of the Council, for the unexpired term. Where possible, this Commission shall include at least one (1) student enrolled at least three quarters (3/4) time in a post-secondary educational program, who shall serve a one (1) year term, which term may be renewed. At least one (1) student enrolled in high school or an equivalent educational program shall serve as a non-voting member of this Commission for a one (1) year term, which term may be renewed. This Commission shall also include at least one (1) Latah County resident who does not reside within City limits who shall serve as a non-voting member of this commission for a four (4) year term.

B. MOSCOW ARTS COMMISSION ROLE

Pursuant to Moscow City Code, Title 3, Chapter 4, Section 4-3. The Arts Commission shall represent the City's interest in art matters; act as a spokesperson for art matters in the City and keep the Mayor and Council informed on all such matters; coordinate arts organizations and arts activities in the City; provide information and assistance for arts organizations, artists and anyone interested in cultural advancement of the community; develop cooperation between existing organizations in the City with schools and regional, State and national art organizations; search for sources of private, local, State and Federal funds and grants available to promote the arts in the City and surrounding communities; offer advice and assistance in aesthetic matters of the City regarding community planning or in any other artistic activities as may be referred to it by the City; and encourage and aid programs for the cultural enrichment of the Moscow and surrounding communities.

MAC advisory responsibilities include the following areas of interest:

1. Moscow public art projects
 - a. Collaborate with the City Arts Program Manager or designee to locate and select public art;
 - b. Make reports regarding the public art selected from time to time as requested by the Mayor and/or the Council; and
 - c. Abide by the requirements contained in Title 5, Chapter 18 of the City Code.
2. Donations of artwork to the public art collection
3. Deaccessioning artwork from the public art collection
4. Developing guidelines for the public art collection

III. PUBLIC ARTS PROJECTS

A. FUNDING OF PUBLIC ARTS PROJECTS

1. Overview of dedication and disbursement of funds
 - a. The public art fund is a dedicated fund of the City.
 - b. Once it is determined that a public improvement project qualifies under Title 5, Chapter 18, the Community Planning and Design department calculates the one percent (1%) for art funds available for such project

- and coordinates with the Finance department to transfer the funds to the public art fund at the end of the fiscal year in which they were generated.
- c. The City, through its Arts Program Manager, contracts with artists and manages payment as appropriate.
2. Expenditure of arts monies in conjunction with Capital Improvement Projects
 - a. Capital Improvement Projects (CIP) that qualify for public art funding shall be subject to the provisions of Title 5, Chapter 18.
 - b. If a CIP is identified by the Arts Department and the MAC as being in alignment with Public Art program goals and timelines, Arts monies collected through the public art fund shall be set aside when the qualifying public improvements project construction budget has been calculated. Funds representing the one percent (1%) dedication for the arts may be incorporated into the project during construction or upon completion of the improvement project. Public art may be an integral part of a structure, attached to a structure or detached from a structure within or outside of it.
 - c. The art component of a qualifying Capital Improvement Project will be allocated from the public art fund as follows:
 - i. No less than seven five percent (75%) shall be allocated toward such public art, including purchase, design, fabrication, and installation.
 - ii. No more than twenty five percent (25%) shall be used for administrative costs, including, but not limited to, costs of selection, maintenance, repair, conservation, and on-going documentation and cataloging of the Public Art Collection (done, in part, to adequately insure all City-owned artwork).

B. EXEMPTIONS FROM PUBLIC ART PROJECT CONSIDERATION

A project considered for funding through the public art fund shall comply with MCC Title 5, Chapter 18. In addition, the following shall not be considered for City public arts projects paid for by the City:

1. Works which are not entirely original (unless the non-original content is used with permission or is part of the public domain and comprises only a small portion of the work).
2. Decorative or functional elements designed by the project architects, landscape architects, interior designers, or their consultants, without the original artist's collaboration.
3. Artfully-designed objects which are mass-produced and of standard design, such as playground equipment, bike racks, or limited edition cast decorations.
4. Directional elements such as signs, maps, color coding, unless designed and/or executed by an artist.
5. Standard architect's, landscape architect's, engineer's, or interior designer's fees, unless such work was approved prior to construction.

C. IDENTIFICATION OF PUBLIC ART PROJECTS

1. Artwork Site Selection

In selecting a site for public art, the Arts Program Manager and MAC should consider whether:

- a. The site is publicly accessible at reasonable times, allowing for contemplation and interaction between the public and the work of art;
- b. The site is on public property or property managed or controlled by the City;
- c. The site suggests art opportunities that would extend the breadth, vitality, and quality of Moscow's public art program;
- d. The art is likely to enhance the cultural experience of the space and contribute to the visual interest of the area;
- e. The site falls within the prominent paths of circulation (e.g., an entry point, transit corridor, or plaza area), or is near a place of congregation (e.g., park, transportation center, entertainment or retail center) in order to reach a significant portion of the population;
- f. The site meets the conditions necessary to receive public art funding or grant funding; and
- g. The site has been identified and prioritized in the most recently-updated Public Art Master Plan.

2. Public Art Master Plan

- a. The Public Art Master Plan (PAMP) outlines the following:
 - Program scope, vision, and alignment with MAC mission.
 - Intersection of Arts, Parks, and Community Development goals.
 - Project location prioritization identified by means of public input surveys.
- b. PAMP updates shall be completed at least once every two (2) years and shall take into consideration the following:
 - Adjustments to long-range program vision.
 - Public art project or location proposals presented by the public or City staff.
 - Project and location prioritization adjustments made with input from the public and direction from City Council.
- c. During the time between PAMP updates, public art locations already identified in the PAMP will have priority over newly-identified potential locations. When new potential project locations or concepts are presented, whether by community members or by city departments, the Arts Program Manager and the MAC shall consider their viability pursuant to these Public Art Guidelines.

3. Public Art Integration into Capital Improvement Projects

In the planning stages of a potential project, the project lead proposing or responsible for public works project or improvement will notify the Arts Program Manager of a qualifying improvement project to be considered for the

one percent (1%) for the arts assessment. The Arts Program Manager (with advice from the MAC, when appropriate) should determine whether art should be considered as part of the proposed CIP project or whether it should be added to future art project(s).

After identifying an improvement project that qualifies for the one percent (1%) funding, the project lead and the Finance Director shall calculate the one percent (1%) of the total project cost and notify the Arts Program Manager of that estimate. The Arts Program Manager will work with the project lead to explore possibilities for a public art project to be affiliated with the CIP. If an art project is not deemed a suitable fit given the CIP scope, location, or timing, the one percent (1%) funds will be transferred into the future art(s) project fund for future use.

Where a public art project will be affiliated with the improvement project, the Arts Program Manager will meet with the respective department head and will attend pre-construction meetings as necessary. The Arts Program Manager will work with the CIP project lead and will provide the scope, location, and budget for the public art project with advice from the MAC and approval from City Council.

The Arts Program Manager or designee will conduct a survey of comparable public art projects and recommend a budget based on current market standards. The Arts Program Manager or designee will work with the CIP project lead to coordinate any necessary work with the architect, landscape architect, engineer, or others to review the following, as appropriate:

1. Allocated art budget
2. Design and construction schedule
3. Appropriate sites and project goals for artwork
4. Other items specific to the project

The Arts Program Manager and City staff will prepare and issue a Request for Qualifications (RFQ) for the arts project affiliated with the improvement project with input from the MAC and following approval of the Art Project concept by the Council. Any public art chosen shall be located in a public place with public visibility and impact, and further shall comply with any addition to any guidelines established by Council upon recommendation of the Moscow Arts Commission.

The Arts Program Manager, in consultation with MAC, may decide that funds from a specific improvement project are in excess, insufficient, or that the site is inappropriate for public art.

4. Public Art Project Development

Once a Public Art location has been identified, the Arts Program Manager shall coordinate the following process:

- a. Develop the project description, site details, and identify suitable art forms and media (considering goals and sites already determined by the participating department and the MAC, when applicable).
- b. Determine a method for selecting an artist, which may include:
 - (1) Open competition (RFP or RFQ) in which artists apply according to the requirements and limitations established by the Selection Panel, MAC, or City;
 - (2) Invitation of one (1) or more artists to submit proposals;
 - (3) Direct purchase of a completed work of art that is selected from submitted applications or other methods deemed appropriate for the project; or
 - (4) Alternate process designed to meet the City's objective for the project.
- c. Present RFQ or RFP drafts with budget recommendation to City Council
- d. Publish RFQ or RFP documents using methods agreed upon for the project.
- e. Recommend members for an ad hoc Selection Panel to be appointed by the Mayor.

IV. PERMANENT COLLECTION SELECTION METHODS

A. SELECTION PANEL APPOINTMENTS.

The Arts Program Manager will coordinate recommendation of selection panelists to the Mayor and Council. MAC will consider the guidelines hereinbelow, requests by individuals, and staff recommendations. Selection Panel members shall serve at the appointment of the Mayor.

Selection Panels will be comprised of at least the following:

1. Voting members:
 - a. Participating department representative or designee (1)
 - b. Moscow Council member or designee (1)
 - c. MAC members (2)
 - d. Community representative, preferably from project impact area (1)
 - e. Artist not involved with the respective Capital Improvement project
2. Non-voting members:
 - a. Arts Program Manager (Selection Panel facilitator)
 - b. Project architect, landscape architect, interior designer, or engineer
 - c. City staff members acting in a technical advisory capacity

Length of term. Each Selection Panel member serves through the completion of one (1) public art project.

B. CONFLICT OF INTEREST

1. No artist sitting on a Selection Panel may submit a proposal for the project for which the Selection Panel was formed.
2. MAC members shall declare a conflict of interest if a project comes before the Selection Panel from which he/she or the household or business could

financially benefit. MAC members shall also declare a conflict of interest if a person with whom he/she shares a household or whom he/she professionally represents has a matter to be considered by Selection Panel. Such person shall recuse themselves from any participation in any process for the project the Selection Panel is considering.

3. No member of the project's architect or landscape architect, interior designer, or engineering firm may apply for a public art project being designed by that firm.

C. SELECTION PANEL PROCEDURES AND RESPONSIBILITIES

1. Moscow Arts Program Manager will hold an orientation for each Selection Panel. The orientation may include a presentation of works currently in the public art collection, review of program guidelines, orientation to the specific project; and/or a review of any goals already established by the participating department and the Moscow Arts Program Manager and MAC.
2. Review all submissions pertaining to the public art project using the published criteria.
3. Approve all recommendations by a majority vote of the full Selection Panel.
4. The Selection Panel will make recommendations on finalists and their work to the Arts Program Manager. MAC members on the Selection Panel will report the Panel's recommendation to the Commission during a regular meeting, after which the MAC will vote to recommend an action on the project to City Council.
5. The Arts Program Manager will then generate a project report to present to the Mayor and Council for final approval.
6. The City reserves the option of making no recommendation from submitted applications and may require reopening of the competition or may propose other methods of selection, if no proposal is accepted.
7. The Selection Panel must always adhere to the requirements of Moscow City Code Title 5, Chapter 18.

D. ARTIST / ARTWORK SELECTION CRITERIA

Criteria to be used when considering retention of an artist or acquisition of artwork by either purchase or commission may include, but not be limited to, the following:

1. Artist Qualifications
Artists for design teams should ideally have the ability to think conceptually, the ability to communicate and be flexible, experience working with design professionals and integrating artistic concepts into construction documents, the ability to work with architectural drawings, and prior experience with collaborative group work situations and public art projects of a similar scale.
2. Conceptual Quality and Originality
 - a. The artist presents a compelling concept.
 - b. The proposed design is original to the presenting artist.

- c. The design is unique (i.e. edition of one), rather than a mass-produced item.
3. Form
 - a. The proposed design reveals mastery of formal craftsmanship.
 - b. The scale of the proposed design is appropriate to the site.
 - c. The colors used, if any, are chosen with an awareness of local educational institutions as well as their athletic rivals.
 - d. The proposal aligns with the design parameters in the project description and does not present a hazard to public safety.
 - e. The proposed artwork is made with materials suitable for the location (i.e. designed with materials impervious to environmental degradation).
 - f. The proposed artwork is designed for resistance to theft or vandalism.
 4. Content and Context
 - a. The content of the proposed design aligns with the project description.
 - b. The content of the proposed design is relevant to the City of Moscow's values, culture, and people.
 - c. The proposed design reflects the architectural, historical, geographical, geological, and socio-cultural context of the site.
 - d. The proposed design serves to activate or enhance the intended location.
 - e. The proposed design has the potential to expand the formal and conceptual range of the Public Art collection.
 5. Budget and Production Schedule
 - a. The budget is clear, complete, and within the stated fiscal parameters for the public art project.
 - b. The production schedule supports the proposal's feasibility and denotes installation according to the project timeline.
 6. Description of Anticipated Maintenance Needs
 - a. Maintenance needs for the artwork are described clearly and realistically.
 - b. Maintenance needs for the artwork are not excessive in terms of labor or material investment.
 7. Community Engagement
 - a. The artist's proposal for community engagement aligns with the project's goals and requirements.
 - b. The artist's proposal for community engagement has the potential to reach a broad audience in the community.
 - c. The artist's proposal for community engagement has the potential to foster understanding of one or more of the following:
 - The goals of public art and its benefits to a community
 - Moscow's civic identity as it relates to the artwork's content or context
 - Formal art-making skills or conceptual strategies
 - Professional experiences and/or practices in the arts field

V. TEMPORARY PUBLIC ART COLLECTIONS

A. TEMPORARY COLLECTION OVERVIEW

1. The City of Moscow currently maintains two temporary collections: the Vinyl Wrapped Traffic-Control Boxes and the Intermodal Transit Center (ITC) Sculpture Garden.
2. Costs associated with the Temporary Collection are paid for using the General Ledger code dedicated to Community Public Art. Arts staff may, at the direction of City Council, seek grant or sponsorship funding to offset General Fund support of these collections.
3. Temporary works of art commissioned will be documented with appropriate media either by the artist(s) or the City.
4. Where a work of art will be placed on a site not directly owned and/or controlled by the City, the placement terms and conditions shall be specifically approved of by City Council.
5. Artist eligibility, selection methods, and criteria for assessment will be tailored to fit the needs of each component of the Temporary Collection

B. VINYL WRAP COLLECTION

1. Artist Eligibility

Eligibility for participation in this program is limited to artists 18 years of age or older who live in Latah County, Nez Perce County, Asotin County, Whitman County, Nez Perce or Coeur d'Alene tribal members. Artists are eligible regardless of race, color, religion, national origin, gender, age, marital or familial status, physical or mental disability, sexual orientation, and gender expression or identity. Artist teams are eligible to apply, including teams of artists from multiple disciplines. Selection panelists and their immediate family members are not eligible for participation. No artist sitting on a Selection Panel may submit a proposal for the project for which the Selection Panel was formed.

2. Selection Panel

A. Selection Panel Formation. The Arts Program Manager and Public Art Subcommittee will recommend selection panelists to the MAC. The MAC will create the Selection Panel by a majority vote during a regular Commission meeting. The Selection Panel will be comprised of the following:

1. Voting members:

- a. Moscow Arts Commission Member (1)
- b. Local Business Representatives (2)
- c. Technical Consultant (1)
- d. City Staff Member (1)

2. Non-voting members:

- a. Arts Program Manager (Selection Panel facilitator)
- b. City staff members acting in a technical advisory capacity

B. Length of Term. Each Selection Panel member serves through the review and selection of one (1) round of annual submissions for the project at hand.

3. Selection Criteria

a. Conceptual Quality and Originality

1. The artist presents a compelling concept.
2. The proposed design is original to the presenting artist.

b. Form

1. The proposed design reveals mastery of formal craftsmanship.
2. The colors used, if any, are chosen with an awareness of local educational institutions as well as their athletic rivals.
3. The design files are prepared according to stated parameters and are scaled to fit the specific locations stated in the RFP.

c. Content and Context

1. The artwork's subject matter and content is appropriate for public exhibition and does not contain advertising, religious references, sexual content, negative imagery, or convey political partisanship.
2. The content of the proposed design is relevant to the City of Moscow's values, culture, and people.
3. The proposed design reflects the architectural, historical, geographical, geological, and socio-cultural context of the site.
4. The proposed design serves to visually activate or enhance the location.

C. INTERMODAL TRANSIT CENTER SCULPTURE GARDEN

1. Artist Eligibility

Eligibility for participation in this program is limited to artists 18 years of age or older who live in Latah County, Nez Perce County, Asotin County, Whitman County, Nez Perce or Coeur d'Alene tribal members. Artists are eligible regardless of race, color, religion, national origin, gender, age, marital or familial status, physical or mental disability, sexual orientation, and gender expression or identity. Artist teams are eligible to apply, including teams of artists from multiple disciplines. Selection panelists and their immediate family members are not eligible for participation. No artist sitting on a Selection Panel may submit a proposal for the project for which the Selection Panel was formed.

2. Selection Panel

A. Selection Panel Formation. The Arts Program Manager and Public Art Subcommittee will recommend selection panelists to the MAC. The MAC will create the Selection Panel by a majority vote during a regular Commission meeting. The Selection Panel will be comprised of the following:

1. Voting members:

- a. Intermodal Transit Center Staff Member (1)
- b. UI Art + Architecture Faculty or Graduate Student (1)
- c. UI Facilities Staff Member (1)
- d. Moscow Arts Commission Member (1)
- e. Member of Artist Community (1)

2. Non-voting members:
 - a. Arts Program Manager (Selection Panel facilitator)
 - b. City staff members acting in a technical advisory capacity
- B. Length of Term. Each Selection Panel member serves through the review and selection of one (1) round of annual submissions for the project at hand.
3. Selection Criteria
 - a. Conceptual Quality and Originality
 1. The artist presents a compelling concept.
 2. The proposed design is original to the presenting artist.
 - b. Form
 1. The proposed design reveals mastery of formal craftsmanship.
 2. The colors used provide visual variety in contrast with the muted hues of the Sculpture Garden landscaping and are chosen with an awareness of local educational institutions as well as their athletic rivals.
 3. The proposal aligns with the design parameters in the project description and does not present a hazard to public safety.
 4. The proposed artwork is made with materials suitable for the location (i.e. designed with materials impervious to environmental degradation).
 5. The proposed artwork is designed for resistance to theft or vandalism.
 - c. Content and Context
 1. The artwork's subject matter and content is appropriate for public exhibition and does not contain advertising, religious references, sexual content, negative imagery, or convey political partisanship.
 2. The content of the proposed design is relevant to the City of Moscow's values, culture, and people.
 3. The proposed design serves to visually activate or enhance the intended location.

VI. PORTABLE COLLECTION

- A. Two and three-dimensional works of art that are not site-specific are part of the Portable Collection.
- B. This collection is distinct and separate from the items in sculpture-on-loan programs such as the ITC Sculpture Garden.
- C. Items in the Portable Collection are installed in City facilities at the discretion of the Arts Program Manager upon consideration of the following criteria:
 - a. Requests from City departments and staff members.
 - b. Ideal conditions for preserving the artwork's condition.
 - c. The potential for the artwork to have a positive impact on the staff and members of the public who frequent the proposed location.
- D. Accessions into this collection are made at the discretion of the Arts Program Manager, with advice from members of the MAC when appropriate. Annual additions may come from the following:

- a. Artwalk and Moscow Farmers Market Poster Art Competitions
 - b. Palouse Plein Air
 - c. Artworks exhibited at the Third Street Gallery or other local venues that fit the collection's needs and the current fiscal year's budget.
- E. Portable Collection accessions, maintenance, and display needs (e.g. framing, pedestals, and vitrines) are managed and funded through the Arts Department budget.

VII. OTHER CONSIDERATIONS

A. MAINTENANCE AND MANAGEMENT OF PUBLIC ART

It is the responsibility of the Arts Program Manager to manage and coordinate the maintenance of all works of art in the City's public art collection.

1. All commissioned artists will be required to complete a conservation record form that provides information on materials, fabrication methods, installation details, and recommended maintenance.
2. The Arts Program Manager will maintain a computer database inventory and a catalog of relevant documents for artworks owned by the City.
3. City will facilitate routine cleaning and maintenance of artworks based on recommendation by a professional art conservator or based upon information provided by the artist on the conservation record form.
4. A professional art conservator or person(s) trained by a conservator may be consulted or hired to provide maintenance and conservation work for the City's public art collection.
5. Participating departments should notify the Arts Program Manager immediately if an artwork is either damaged or stolen or if the participating department plans to move the artwork or in any way alter its location or use.
6. The City shall maintain adequate insurance coverage for its public art collection.

B. DONATIONS OF ARTWORK

1. Donation of artworks to the City's Public Art Collection
 - a. Works of art are occasionally offered as donations to the City of Moscow. The Arts Program Manager (in consultation with MAC) is responsible for reviewing and evaluating the suitability of a proposed artwork and recommending to the City Council whether or not to accept it as a gift, and/or allow it to be installed on city property. If accepted by the City Council, the maintenance of a gift of art is the responsibility of the City (unless otherwise specified). When considering a gift, the Arts Program Manager may recommend that the Council require that the

donor establish a maintenance endowment to ensure an adequate quality of care for the artwork.

- b. The Arts Program Manager and MAC is responsible for review of all proposed gifts of art to the City, including donations by individuals, neighborhoods, community groups, and international organizations. Such donated artwork may be placed temporarily on City property without being offered to the City as a gift, provided that the donor obtains the appropriate approvals and/or revocable permits (if any) for placement of the works and the donor and City enter into an agreement for the donation. The donor agrees to maintain the art throughout the life of the work. The City reserves the right to decline offers of donated public art gifts, whether permanent or temporary.
2. Donation of works of art to City's Portable Collection
 - a. Donor contacts appropriate City staff to discuss the potential gift, providing photos or the actual artwork.
 - b. Arts Program Manager presents consideration of the gift to the MAC. If presented in graphic form, the MAC reserves the right to postpone any decision until the actual artwork is reviewed.
 - c. Arts Program Manager (in consultation with MAC and as approved of by City Council) accepts or declines the gift. If accepted, the donor is acknowledged (if requested).
 - d. Funds for maintenance are agreed upon by the donor and Arts Program Manager and deposited by the donor into a public art maintenance fund.
3. Donation of commissioned works of art
 - a. Donor contacts Arts Program Manager and appropriate City staff for a meeting to discuss idea for commission as well as to plan for artist selection and location of art following completion of the artwork. All processes for artist and site selection shall be in alignment with those described in these Public Art Guidelines.
 - b. Arts Program Manager (in consultation with MAC) accepts or declines the idea and/or the selection process.
 - c. If City accepts the concept of the donated commissioned artwork, the Arts Program Manager presents the donation proposal to the MAC and City Council which may approve, reject, or provide further direction for the proposal. If the donated commission is accepted, a plan for its placement and maintenance is developed in conjunction with the donor and formalized in an agreement including agreed-upon value of the donation, maintenance, and donor recognition.

- d. A donor agreement is executed upon Council approval.

C. RELOCATING SITE-SPECIFIC WORKS OF ART

1. While it is the intent that site-specific works will remain in the site for which they were created, the City reserves the right to relocate a piece of public art.
2. No site-specific artwork may be moved without the recommendation of MAC and the Arts Program Manager and specific Council action. The MAC may consider recommending relocating a site-specific artwork for one (1) or more of the following reasons:
 - a. The condition or security of the artwork can no longer be reasonably guaranteed at its current site;
 - b. The artwork has become a hazard to public safety in its current site and condition; or
 - c. The site has changed so that the artwork is no longer compatible with the site.
3. Once the MAC and Arts Program Manager have determined that an artwork meets one (1) or more of the above criteria, the following process shall be followed:
 - a. The Arts Program Manager makes a good faith attempt to discuss relocation of the art work with the artist or representative of artist, if available.
 - b. If the artist agrees to the proposed relocation, the recommendation will be considered by appropriate City staff, and the City Supervisor or designee, then presented to Council for approval.
 - c. If the artist does not agree to the proposed relocation, the artist or representative may request that the artist's name not be used as the author of the artwork when relocated.

D. DEACCESSION

In the event a work of art may need to be considered for removal, sale, trade, or gifting (deaccessioning), the Arts Program Manager (and MAC) shall present the request to City Council. The Arts Program Manager or designee shall state in the request that the artwork is of no further use to the City; the recommendation of whether the artwork should be removed, sold, traded or gifted; the reasoning for the recommendation; and how the recommendation will provide for maximum value with attendant benefits to the citizens of Moscow (I.C. 67-5722, 5732A). Proceeds of a sale shall cover the expenses of the sale with any net revenues deposited into the general account of the City of Moscow.