

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 1, 2018

PRESENT: Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- CMS in the amount of \$16,000 for the Information Technology department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 8/25/18 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 8/10/18 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Victor's Hogs N Horns to be used 8/4/18 for a wedding.

DECLARATION AND NOTICE OF SOLE SOURCE PROCUREMENT

As a ministerial matter the Board signed a declaration and notice of sole source procurement - intent to contract with All Detainment Solutions, LLC. The notice was signed in favor by Commissioners Dale and White and against by Commissioner Rule.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND CONSIDER AUTHORIZING EXECUTION OF AGREEMENT WITH PREVENTATIVE HEALTH, LLC - WELLNESS FAIR AND FLU SHOT PROGRAM

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider authorizing the execution of an agreement with Preventative Health, LLC – Wellness Fair and Flu Shot Program. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Deputy P.A. Sam Laugheed, HR Director Sue Baumgart left at 9:05 a.m. and Deputy Clerk Jenen Ross. Director Baumgart said this is the same vendor that was used last year to provide flu shots. There is no cost to the county and the vendor will bill insurance directly. There are several dates throughout September, October and November when they will be providing services. Sam Laugheed said the agreement has been reviewed by legal and there is no reason not to sign. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the agreement with Preventative Health, LLC. (See agreement no. 18-098). Commissioner White made a motion to continue legal staff to 1:00 p.m. today. The motion was seconded by Commissioner Rule and carried unanimously. The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners’ Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE §74-206 (1) (B) AND (D) – PERSONNEL MATTER RELATED TO NAMED PERSONNEL AND RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE

*A request was made to go into Executive Session to discuss a personnel matter related to named personnel and records that are exempt from public disclosure. The Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 10:01 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Deputy P.A. Sam Laugheed, HR Director Sue Baumgart and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:48 a.m. with no decision being called for in open session.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE §74-206 (1) (B), (D) AND (I) – PERSONNEL MATTER RELATED TO NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*A request was made to go into Executive Session to discuss a personnel matter related to named personnel, records exempt from public disclosure and attorney-client communication, and*

*communicate with risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 1:01 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross. The Executive Session concluded at 2:25 p.m. with no decision being called for in open session.

**AUGUST 2018 TERM**  
**CALDWELL, IDAHO AUGUST 2, 2018**

**PRESENT:** Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

**APPROVED CLAIMS ORDER NO. 1822**

The Board of Commissioners approved payment of County claims in the amount of \$1,608,953.95 for a County payroll.

**CONSIDER APPROVAL/DENIAL OF INITIAL DECISIONS OF MEDICAL INDIGENCY ELIGIBILITY**

The Board met today at 8:58 a.m. to consider the approval/denial of initial decisions of medical indigency eligibility. Present were: Commissioners Tom Dale and Pam White, Customer Service Specialist Robin Sneegas and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2018-1131, 2018- 1141, 2018-1140, 2018-1146, 2018-1268, 2018-1239, 2018-1144, 2018-1602, 2018-1145, 2018-1175, 2018-1138, 2018-1139, 2018-1132, 2018-1111, 2018-1147 and 2018-1134. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to issue written denials within 30 days. Commissioner White made a motion to approve case no. 2018-1256 for cremation. The motion was seconded by Commissioner Dale and carried unanimously.

**PUBLIC HEARING – REQUEST BY KELLEY DICK FOR A REZONE FROM AGRICULTURAL TO RURAL RESIDENTIAL**

The Board met today at 10:00 a.m. to conduct a public hearing in the matter of a request by Kelley Dick for a rezone from Agricultural to Rural Residential, Case No. RZ2018-0005. Present were: Commissioners Tom Dale and Pam White, DSD Director Tricia Nilsson, DSD Planner Kyle McCormick, Carrie Dick, Judith Walter, and Deputy Clerk Monica Reeves. Kyle McCormick gave the oral staff report. The request came about when the property owners decided to build a secondary residence and through that process they learned that in order to finish construction they needed to divide the property into two separate lots, in which case the process will be to go through a rezone application to allow for the split. If this is granted the property owners will be required to go through a short plat process. One letter of concern was received during the initial P&Z Commission hearing with regard to maintenance of Honey Bee Court. There is an existing road user's maintenance agreement for the road, and ITD was concerned with the access and making sure it was permitted, but the applicants have worked with ITD to gain approval on the approach to Highway 44 for Honey Bee Court. The future land use plan designates this area as residential. The parcel is located within Middleton's impact area and their future land use also designates this area as residential. The majority of the surrounding area contains rural residential uses; there are 25 residential subdivisions within the vicinity of the subject property with an average lot size of 2.3 acres. The City of Middleton is approximately ¼ mile away and there have been four rezones from an agricultural zone to a residential zone within a mile of the subject property within the last five years. The P&Z Commission recommended approval of the rezone request on July 21, 2018. Staff is recommending approval of the request. Carrie Dick stated they are seeking the rezone because their loan was disallowed due to there being two houses on one property; the split will allow them to obtain final financing. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to close the public hearing. Commissioner White made a motion to approve Kelley Dick's request for a rezone and to approve the Findings of Fact, Conclusions of Law and Order as well as the map ordinance amendment for Case No. RZ2018-0005. The motion was seconded by Commissioner Dale and carried unanimously. (See Ordinance No. 18-020.) The hearing concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER APPROVAL/DENIAL OF A REQUEST BY IDAHO MATERIALS AND CONSTRUCTION FOR A CONDITIONAL USE PERMIT MODIFICATION; CASE NO. CU2018-0008

The Board met today at 1:30 p.m. to conduct a public hearing to consider the approval/denial of a request by Idaho Materials and Construction for a conditional use permit modification; case no. CU2018-0008. Present were: Commissioners Tom Dale and Pam White, DSD Planner Debbie Root, Todd Lakey and Deputy Clerk Jenen Ross. Todd Lakey explained that his clients bought this property from American Paving who obtained the original C.U.P. The property is located off of Hwy 19 between Caldwell and Greenleaf adjacent to an industrial area. As they've worked with DSD staff it's been discovered that there are a few items that need clarification such as the acreage and parcels involved and they would like to pursue those things as well as get the file cleaned up. At this time they are requesting that the hearing be continued so they have some additional time for the clean-up and to get the information back

to Ms. Root. Commissioner White made a motion to continue the hearing to September 4, 2018 at 10:30 a.m. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 1:34 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 3, 2018

PRESENT: Commissioner Tom Dale, Chairman  
Commissioner Pam White - out of the office  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Carousel in the amount of \$2021.72 for the Information Technology department
- Carousel in the amount of \$1578.00 for the Information Technology department
- HP Inc. in the amount of \$2601.00 for the Information Technology department

No meetings were conducted.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 6, 2018

PRESENT: Commissioner Tom Dale, Chairman  
Commissioner Pam White – out of the office  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 8/10/18

The Board of Commissioners approved payment of County claims in the amount of \$151,603.09 for accounts payable.

No meetings were conducted.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 7, 2018

PRESENT: Commissioner Tom Dale, Chairman

Commissioner Pam White – out the office  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Apple in the amount of \$1699.00 for the Information Technology department
- Apple in the amount of \$4188.00 for the Information Technology department
- Pro-Vision in the amount of \$14,749.00 for the Sheriff's Office
- Napa Ford in the amount of \$34,642.00 for the Fleet department

APPROVED CLAIMS ORDER NO. 8/10/18

The Board of Commissioners approved payment of County claims in the amount of \$8852.00, \$147,262.70, \$76,985.90, \$95,342.40 and \$94, 274.03 for accounts payable.

MEETING WITH THE DIRECTORS OF FACILITIES AND INFORMATION TECHNOLOGY TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 8:32 a.m. with the Directors of Facilities and Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale and Steve Rule, Facilities Director Paul Navarro, IT Director Greg Rast, Assistant IT Director Eric Jensen and Deputy Clerk Jenen Ross. Director Rast reported on the following items: there will be a PO coming thru for about \$26K for storage; in FY2019 he may look into a new storage system that will be more cost effective. As a whole the county is moving more towards paperless, both the Assessor and Clerk's Offices are working to get their records scanned and once that's done the paper records can be destroyed. His office was recently approached by Ms. Roper from the Board of Community Guardians about producing ID cards for them. It would be about 14 badges and Director Rast estimates the cost to be about \$250. He asked for direction from the Board as to whether or not they should charge the Board of Community Guardians for these cards. Commissioner Rule doesn't feel it's the county's responsibility to provide them, he is concerned it could set a precedent for other volunteer organizations requesting the service for no cost. He thought it would be good for Director Rast to speak with legal about the subject. Commissioner Dale likes the idea of helping these volunteer organizations by being able to provide the badges/ID cards but would still like to see them pay to help cover costs to the county because it would still be at a lesser rate than retail. Mr. Rast said he will seek legal advice and possibly create a policy for this sort of thing. An update was given on the request from ITD for the use of the dark fiber. The county has 72 strands and ITD requested the use of 36 strands which Director Rast denied. He is currently pushing for them to pay for the extra mile to go out to weed and pest and said they could have 24 strands of the fiber since they are expanding their network this way which will be

used for the freeway reader boards and signaling cameras. At this point negotiations will begin between the county and ITD and once that's settled an MOU will come before the Board for consideration. The camera system that was administered by the Sheriff's Office has been down for about the last 6 weeks but the cameras have now been taken over to another system as they were unrecoverable. All the cameras that are still working, about 24 of them, have been moved into a solution similar to what was done at the juvenile justice center. They are ordering the remaining cameras and hope to have them installed by the end of August which means the system will be back up to 100%. The administration of the cameras will now fall to IT. Additionally, the camera system at DMV will be replaced on a 1-for-1 with high-definition cameras. They are now in the final stages of the phone replacement system in the jail; when the project is complete it will encompass three fiscal years and the entire system will have been replaced/updated. Major upgrades that will be happening over the next 60 days include the following: the email system, phone recording system, Skype phone system will have a platform update, looking at a new VPN solution, server updates are being worked thru and the communications wiring closets are almost completed.

Director Navarro updated the Board on the following items: Both the DMV and Jail Annex roofs are complete, additionally, the DMV generator project is now done. Fairgrounds have been cleaned up and are now ready for the rodeo. The courtyard painting has been finished and facilities staff will start working on the outside of the building. The landfill remodel project is in full-swing and the Celebration Park well is almost done. The SUP hearing is scheduled to take place Tuesday evening. Saturday morning there will be an Eagle Scout project taking place at the animal shelter where they will be painting some of the interior spaces. Notice was received from Carol Teats at the CCOA that they will be vacating the building on the 31<sup>st</sup> of August. Commissioner Rule believes a lot has been done to have to maintain that building and thinks it would be in the best interest of the county to sell it. Director Navarro said the things they've done to the building include a new furnace, new air-conditioning system, plumbing upgrades and some roof leaks have been addressed. Commissioner Dale said unless a specific use for the building can be identified he agrees that it should be sold. Mr. Navarro said he would get some pictures once the building is empty and bring them to the Board at that point. The meeting concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE FAIR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:03 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale and Steve Rule, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following items: They are still in the process of finalizing numbers but the preliminary numbers are as follows:

- Attendance was up at 45,770 compared to 44,822 in 2017; Thursday, Friday and Sunday were up but Saturday was down a little
- Gate admission revenue is up
- Beer sales are up

- First Latino Fair Festival more that doubled the Sunday revenue compared to 2017
- Vendor booth income is up
- Carnival pre-sale income was double compared to 2017
- Sponsorship revenue is up with 6 new sponsors this year

Director Sinner received a lot of compliments on the facility improvements and the new layout of the fair building including the show ring and pens. This year they focused on improving the parking by utilizing the College of Idaho parking lots and the City of Caldwell provided layouts for other parking lots, facilities striped the gravel lot which resulted in very few problems. Some improvements to be worked on for 2019 include dust control in both the fair building and rodeo arena, alternatives for the livestock load-out on Sunday night with the success of the Latino Fair Festival there is a lot more people and traffic, space in the livestock area continues to be a concern, adjustments to the timing of the Latino Festival on Sunday and improvements to electricity in the Charolais barn. A discussion was had regarding the handling of livestock entries. The Extension office has always handled them but the Fair/County manage the superintendents but the information doesn't seem to flow as well as it could so they are looking at ways that it could be improved. Recently there was a meeting between Ada County Extension, Canyon County Extension, FFA from both counties and Western Idaho Fair to talk about the reciprocal agreement and to work thru options since space is an issue. Commissioner Dale said that he's heard there may be some issues in tiling the Wilson Drain, he asked if there is an alternative plan if that space remains open. Director Sinner said the original master plan from 2003 had the drain being open and a building still fit in the space and she feels they can make the layout work. Commissioner Rule said the issue with the tiling is where it goes under the stock trail and suggested that the last 50 yards could be open but the rest still tiled. Ms. Sinner has met with the company that the mainstage is rented from and they are going to help identify the best location for the stage and what the best options are if there changes made to the fairgrounds. The meeting concluded at 10:19 a.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2018 TERM

CALDWELL, IDAHO AUGUST 8, 2018

PRESENT: Commissioner Tom Dale, Chairman  
 Commissioner Pam White  
 Commissioner Steve Rule  
 Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Richard Soto.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Converge One in the amount \$26,080.00 for the Information Technology department
- Converge One in the amount of \$1362.96 for the Information Technology department
- Paessler AG in the amount of \$1264.38 for the Information Technology department
- Carousel in the amount of \$10,538.00 for the Information Technology department

### FISCAL YEAR 2019 BUDGET HEARING

The Board met today at 5:09 p.m. to conduct the fiscal year 2019 budget hearing as well as a hearing pursuant to Idaho Code 63-802(1)(e) to consider budgeting foregone increase and to consider certification by resolution of any budgeted foregone increase. Upon completion of the hearing the Board will review and possibly approve the FY2019 budget and dollar certifications of budget request forms. The hearing was held in the public meeting room of the Administration Building located at 111 North 11<sup>th</sup> Avenue in Caldwell. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto, Controller Zach Wagoner, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, Lt. Dale Stafford, Prosecutor Bryan Taylor, Assessor Brian Stender, Facilities Director Paul Navarro, Chief Probation Officer Elda Catalano, Indigent Services Director Yvonne Baker, Robin Sneegas, Weed Control Superintendent AJ Mondor, PIO Joe Decker, Public Defender Aaron Bazzoli, DSD Director Tricia Nilsson, IT Director Greg Rast, Assistant IT Director Eric Jensen, Parks Director Nicki Schwend, Landfill Director David Loper, Juvenile Detention Director Steve Jett, Sean Brown, Ambulance Director Michael Stowell, Director of Court Operations Denise Kennel, Leslie Van Beek, ElJay Waite, Bill Jacobsen, Debbie Swanson, Laniece Rule, Charles Fuller, Tara Barling, Nicole Foy from the Idaho Press, and other interested citizens and Deputy Clerk Monica Reeves.

Zach Wagoner reviewed the fiscal year 2019 budget and a copy of the handout he prepared is on file with this day's minute entry. As he and the Clerk began working on the budget they identified three top priorities:

- **Address the urgent, immediate and pressing issue of jail overcrowding**
  - On a daily basis jail staff are seeking out-of-county housing options for 30+ inmates and so to address that issue we recommend continuing efforts with All Detainment Solutions (ADS) and the City of Caldwell for temporary modular housing for 122 inmates. To fund that need the recommendation is to allocate \$2.3M of previously foregone property tax revenue increases to address jail overcrowding.
- **Provide adequate, trained and skillful staff**
  - Included in the tentative budget is the addition of 15 fulltime positions in targeted areas that have seen increased demand for services.

- Also in the budget is the continued implementation of the compensation plan including a 2% cost of living adjustment and a 1% equity pool to be distributed as elected officials and department administrators see best.
- There is no increase in the employer or employee health care contributions.
- **Maintain responsible, fair and suitable levels of funding for mandated services**
  - The tentative property tax request is \$4.395M below our allowable amount.
  - General revenues, such as state sales tax revenue, are allocated for required services.
  - Individual accounting funds are optimized to provide maximum financial benefit.

The total tentative operating budget for Canyon County for FY2019 is \$95,240,703:

\$3 million is dedicated for culture and recreation

\$5 million is for public works

\$45 million is allocated for public safety

\$11 million for health, welfare and indigency

\$31 million for general government services

Mr. Wagoner reviewed the following expenditure budgets by office/department and touched on a few that have changed from FY2018 to FY2019:

Animal Shelter – It changed from \$200,000 to \$300,000. \$200,000 is for shelter operations and \$100,000 is dedicated for maintenance and upkeep of the building.

Assessor’s Reappraisal – The slight increase includes \$90,000 for a new position to assist with mass appraisal; \$90,000 for an aerial flyover for County photos; and \$90,000 for consulting appraisers.

Buildings and Grounds – Decrease due to some significant projects that were budgeted and will hopefully be completed before the end of FY2018: courthouse painting and a fencing project.

Clerk, Auditor and Recorder – The increase in salaries and benefits is related to a new position in the Recorder’s Office which will be paid for with recording fee revenues.

County Fair – It has increased by \$400,000 due to a drain tiling project and architectural and engineering fees for a possible building.

County Weed Control – Decrease in salaries and benefits because the worker’s compensation classification and rate for employees has decreased. There are plans for a connectivity project to run dark fiber to their remote location to provide increased service, speed and reliability for the network connection.

Court Device Department – Those monies are generated from court-related fines and fees and there are restrictions on their use. Funds can be used for evaluation services and beginning in FY2019 we will begin utilizing those funds for that purpose.

Development Services Department – The department is seeing a tremendous amount of activity, included in the budget is \$175,000 for new positions and \$100,000 for professional consultants relating to mechanical inspections.

Emergency Communications/E911 – This budget is funded entirely with E911 fees associated with telephone bills; no property tax monies are allocated to the emergency communications department. The increase is due to a Spillman upgrade and data migration project for \$1.4 million. It's projected that over the course of five years the project will save the County \$250,000.

Indigent Medical Care and Assistance – The budget is down slightly. They have seen a decrease in provider payments of \$300,000, but the amount for involuntary commitment expenditures has increased by \$150,000.

Juvenile Detention – Includes the addition of two new positions: one new detention officer and a clinician as well as plans for computer replacements and new copiers.

Juvenile Probation – The department is slated to receive a new juvenile probation officer position.

Landfill – Budgeted to receive a new fee collector position.

Parks, Cultural and Natural Resources – Increase in salaries and benefits for additional dollars for part-time and seasonal pay, and for a grant funded part-time position for a canoe school.

Prosecuting Attorney – The PA has received the contract with the City of Caldwell to provide prosecution services for the city and that includes the addition of four fulltime positions that will be paid for with revenue generated by the contract.

Public Defender – Includes the addition of a new attorney position and the annual contribution to the capital crimes defense fund.

Sheriff - \$400,000 included for the Spillman upgrade and data migration project. Also included is a \$1.5 million lease payment for modular jail housing.

Treasurer – Increase in salaries and benefits due to an employee that will be shared with the Assessor's Office.

Pest Control District – Budgeted a new fulltime position and an additional seasonal position. They share an office location with weed control and they will share in the cost of the dark fiber project.

In looking at the total \$95 million budget, \$65.5 million is for salaries and benefits and just under \$30 million is for other operating expenditures. Tentative FY2019 significant

budgetary additions total \$7,053,377, and the significant budgetary decreases total \$903,666.

Canyon County has the statutory authority to levy \$56,587,367 in property tax to support the FY2019 budget. The amount is calculated in accordance with state law and includes the following components: The highest property tax budget and property tax replacement monies of the last three years, plus the 3% allowable increase (\$1.4 million), a new construction and development increase of \$1.6 million, the amount of property tax increases foregone in previous years \$6.7 million and less property tax replacement monies equals the net amount of \$56,587,367, the County's maximum allowable property tax levy authority.

The tentative amount for property taxes for 2019 is \$52,191,430. That amount is \$4,395,937 under what our maximum property tax authority is. Included in that \$52 million is \$2.3 million of previously foregone property tax increases to address challenges related to inmate housing and overcrowding at the jail.

Over the past 10 years Canyon County has consistently been below our maximum property tax authority to the tune of \$67 million.

Our levy rate is projected to decrease by roughly 3%. In 2013 our levy rate was .0057 and in FY2019 it's estimated to be just a little over .004. The exact levy rate is not known at the moment as they are still waiting on a component of market value that's provided by the state. Out of a total taxable value of \$13 billion operating property is a small portion of that so Mr. Wagoner anticipates very little change in the projected rate.

The tentative jail overcrowding budget includes the funding requirements for a 122-bed temporary modular facility:

- \$1,473,763 million for an annual lease payment
- \$ 172,500 for water, sewer and utility hookups
- \$ 228,000 for three additional deputies
- \$ 78,500 for utilities
- \$ 170,000 for food costs
- \$ 200,000 for out-of-county housing needs that will still exist

For a total of \$2,322,763 to address jail overcrowding.

Those funds will come from foregone property taxes. The County currently maintains a foregone property tax balance of \$6.7 million. The foregone property tax balance is a direct result of conservative project tax requests. Foregone property tax balances are based on allowable 3% and new growth increases not taken. Foregone property tax amounts are an optimum tool to address urgent and critical public needs. Our property tax request foregone of \$2.3 million is designated strictly to address jail overcrowding issues.

The total county operating 2019 tentative budget is \$95,240,703 with \$52,191,430 from property tax and just under \$38 million from revenue other than property tax and a use of fund balance of \$5.1 million to balance the budget.

Pest control special taxing district budget is \$310,066 and the Melba gopher special taxing district has a budget of \$12,000.

Mr. Wagoner expressed his appreciation to the Commissioners and everyone in the room tonight for their support and assistance during the budget process.

Commissioner Rule asked where the excess revenue that is collected by DSD will be deposited. Mr. Wagoner said it goes into the current expense fund. When asked about the large project fee (several hundred thousand dollars) that's expected to be received by DSD, Mr. Wagoner said hopefully it will materialize and it will be deposited into the current expense fund. There was a brief discussion on the Melba Gopher District's budget, which is separate from the County pest control. (A taxpayer will be in one of the two districts, not both.) Commissioner Rule noted that \$200,000 has been budgeted for out-of-county housing for next year. Mr. Wagoner reported that to date we have spent nearly \$600,000 in out-of-county housing.

Public testimony was offered as follows:

Leslie Van Beek asked for additional time to make comments and she cited Idaho Code, Title 31-1605 which references budget hearings and she noted that the statute does not list a time limit for public comment. Commissioner Dale said it's not specified in state law, but it is up to each individual jurisdiction and then he asked if she could offer comments in five minutes. Ms. Van Beek said it's essential that we evaluate the budget carefully and approve only what is necessary.

She said the proposed tentative budget, if approved, will:

- 1. Increase property taxes by \$5.2 million from 2018 to 2019.** The \$5.2 million increase in property taxes will come from:

**\$2.3 million dollars comes from foregone revenue.** This has been budgeted to provide additional jail facilities but Commissioners should not budget foregone property taxes to provide interim housing for inmates. Taxpayers should be given the opportunity to approve property tax increases for jail facilities.

**\$1.4 million in property tax revenue.** This is the maximum statutory allowance of 3%.

**\$1.6 million in new construction.** This will allow new development to its fair share.

The burden of the first two taxes, which together total \$3.7 million, will fall directly on property owners, but this does not reflect what she heard citizens say they wanted in the Primary and it's not in the best interest of Canyon County.

**2. Increase taxes by 52.2% since 2015.**

In 2015, the County assessed \$34,297,000 in property taxes. The proposed assessment for 2019 is \$52,191,430 which represents an increase in taxes of \$17,894,430 or 52.2%.

**3. Reduce budgetary fund balance by \$46.6 million dollars, which is 48% less than the allocation of budgetary fund balance in 2018.**

**4. Represent the highest acceleration of taxation in Canyon County history.**

Ms. Van Beek proposes a revision which does not lower the budget, does not cut services, and most importantly does not raise property taxes. She said it will restore the budgetary fund balance to reflect a conservative estimate of 9.4% which is consistent with historical trends since 2015. At the same time this action reduces requested property taxes in the tentative budget by \$3,750,920 leaving new construction property tax of \$1,686,248, paid by newly constructed properties, as the only recommended and appropriate source of new property tax revenue to the budget. The County currently has \$43 million in fund balance reserves which represents 45% of the 2019 budget. Should the County need to use a portion of the fund balance to supplement the budget, history suggests that it will be marginal and that necessary adjustments can be evaluated at preliminary budget meetings in May 2019. The 2019 tentative budget includes \$2,322,763 in uncollected foregone revenue to address challenges related to inmate housing and overcrowding. She does not believe Commissioners should be pursuing foregone taxes to fund the jail. Using budgetary fund balance to provide housing relief for inmates is the correct use of fund balance and will not significantly impact the County's reserve. Between now and next May, Commissioners should exercise their authority to meet the need for public safety. Identifying the lowest operating cost jail facility coupled with thoughtful long-range planning and voter approval will provide the necessary roadmap to move forward and meet this challenge. At the May 2019 meeting, Commissioners should be prepared to offer viable solutions that meet the need for public safety. Any increase in property taxes should come only after exhausting all other avenues for funding a jail facility. She provided a comparison of the Ada County vs. Canyon County levy rate for 2017. Ada County's levy rate is .3017951 while Canyon County's is .4243064 making it roughly 33% higher than Ada County. She said this difference hampers our ability to attract new business and higher paying jobs for our citizens. Ms. Van Beek asked the Board to re-evaluate the tentative budget as presented and moved to adopt the revised budget for the following reason:

1. The revised budget does not reduce the amount of budget expenditures
2. Does not cut services
3. Restores budgetary fund balance to reflect historical trends
4. Reduces property tax
5. Reflects the voice of taxpayers

She estimates adoption of the revised budget will lower the levy rate to .0037 which represents the largest drop in the levy rate history since 2011. Clerk Yamamoto said the largest tax increase in Canyon County history was from 2007-2008, from \$66 million to \$83 million, which is \$17 million.

Commissioner Rule finds this information fascinating and he's impressed with the information Ms. Van Beek submitted. He said he's been asking for advisory votes on the jail and how much the public would approve but it gets no attention from the Board. He asked for clarification on some of her points and so Ms. Van Beek reviewed her earlier points in greater detail.

Mr. Wagoner said the 2015 year has been thrown out recently and it's his opinion that that year has been cherry-picked, if you will. If you go back to 2009, the property tax levy was \$38 million and the County enjoyed a very rich healthy fund balance and we used fund balance to pay for bills, building expansion, and other projects. If you look at the 11-year span from 2009 to current, property taxes are up \$14 million, a little over 3% per year. Over that span, 2015 was the absolute lowest minimum year for property taxes and that was because we enjoyed a rich fund balance and we've used the fund balance to pay for expenses instead of current property tax. If we look at FY2015 the County actually experienced a \$5 million operating loss specifically for FY2015. We cannot maintain a \$5 million loss on an ongoing basis.

ElJay Waite also offered comments on the budget and when he was informed about the time limit he said the Board should not put a time limit on anyone that comes to testify on the budget. He also said there's an error in the budget that is not the same as was in previous years. Regarding budgetary fund balance being used to balance the budget, he said it's an estimation from the Clerk and Controller of what expenses are in the budget that are not going to be spent and this year through June there's over \$8 million of budgeted expenses that have not been spent and it's been consistent over the last four years and probably before then. What that means is that if you accept \$5 million as what's not going to be spent out of the \$95 million you are going to assess property taxes that are not necessary. He said the Board should look at the budgeted expenditures first and then from there the Clerk and Controller say how much of that do you estimate won't be spent and that number will be somewhere between \$8-\$10 million and then you look at how many non-property tax revenues are coming in and the difference is how much you need in property tax and then you're putting the taxpayers first because it's the last resort. He said we do not need to levy anything more than the new construction amount of \$1,686,248. He said we could choose to use the new construction amount based on the current year's levy rate or choose to minimize that and look out for the taxpayers. This will not change how many expenses you have in the budget, it will not change what you do with this budget it will simply move the \$5,106,372 in budgetary fund balance up to a number that approximates very conservatively what those unused expenses will be out of the budget and then it allows you to levy the property tax that you can defend. Mr. Waite urged the Board to consider that. We have until September to pass this budget and we could have hearings day after day after but we won't have to do that because there's just one minor change that needs to be made and if the Clerk

and the Controller say we are not going to spend just \$5 million of the \$95 million and it turns out to be \$10 million, they were wrong. If they say the past history is an accurate reflection we can go up to \$8 million or \$9 million then we cannot assess those property taxes from the foregone or the 3%. We can wait until the next budget year and see how many other revenues have come in because we have \$5,385,000 in new non-property tax revenues, the highest it's ever been, so there's an opportunity to not levy if we don't need to and he's saying we don't need to. Do the new construction but wait until the 2020 budget to see if we need to levy anything else from all the things we've got going. It's gone from \$34 million in property tax to \$52 million but if we drop that it will be a 3.1% increase in property tax instead of an 11.1% increase in property tax.

Zach Wagoner said the elected officials and department administrators continually come in under budget and they are to be applauded for those efforts and when he and the Clerk are developing a financial plan they factor that in. Mr. Waite said the question is where is that factor included in the budget? Is it in the budgetary fund balance or have they reduced positions in the budget expenditures that they expect are not going to be filled during the year – that's what you need to know.

Clerk Yamamoto said that's it exactly and what we've enjoyed in the past is the unfilled positions and that's pretty much what we're talking about here because the "A" Budget is most of our expense. We had a situation where the Sheriff's Office at times had 25-30 positions unfilled and so the those expenses that weren't utilized became fund balance and that fund balance grew to the point where he recommended we cut back on the amount of taxes requested in order to drop that fund balance down. Now we are starting to fill those vacant positions and where we were using that to balance the budget we are now utilizing more and more of that as we fill positions, and as we have utilized the compensation program to try to retain more employees.

Commissioner Rule said he likes the proposed 3.1%, instead of the 11.1%, increase in property tax. He asked how the large influx of revenue for an upcoming building project will be reflected in these numbers. Mr. Waite said it would become part of the fund balance, it goes into cash and it becomes part of the fund balance so you'll get to see that next budget year. It was said by the Controller that the optimal tool to fund these is foregone revenue, but that is not the optimal tool. The optimal tool is fund balance until you know how much revenue you need and then you've done what you need in setting the appropriate levy rate so you don't have these kinds of things happen to it. You keep it level, and that's what you do to be considerate to the taxpayers and he believes the \$5,106,372 is at least \$3.5 million too low and if you make that one adjustment you will not be levying taxes this year, you'll be looking at what the actuals tell you for next year.

Bill Jacobsen is opposed to a 7-10 year contract for aluminum trailers to house female inmates and he believes doing business with a company that's only been in business for one year is a poor idea. He said solution to the jail issue would be to use the space across from the courthouse on 12<sup>th</sup> Avenue and remove the tent jail (Pod 5), as well as everything else on that block, and construct a four-story building with a basement under it. He said the basement could be used to store records and the Sheriff's Office could be on the first floor

and the remaining 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors could be cells for jail. Another suggestion was to build a sky walk from the jail across 12<sup>th</sup> Avenue to the 3<sup>rd</sup> floor of the courthouse so that inmates could be transported back and forth thereby eliminating the need to build a jail on the Notus highway property. Mr. Jacobsen believes the jail should be in close proximity to the courthouse. He also suggested the County purchase the homes that are located in the immediate area in order to have the ability to expand.

Debbie Swanson, who obtained budget information from the County's website, spoke about how she would have like to have had access to the multi-page document that was printed for tonight's budget hearing. She said the Board wants to convince taxpayers that they are getting a great deal as homeowners in regards to property tax because the County isn't taking the maximum amount property tax levy. She said it might be below what the maximum allowable amount is but Canyon County is still very high compared to other places and the "property taxes are killing us." She and her husband have sold their businesses but they feel they are being forced to leave Caldwell and move elsewhere because of how much property taxes are costing them. Their 2018 property tax assessment would have required they pay nearly \$500 a month in property tax, but while the appraiser lowered the assessed value their taxes are still high. She asked the Board to look at some ways other than charging the homeowners to continue to increase their property tax to meet the County's budget.

Charles Fuller said he is disturbed by the decisions that have been made; for instance, urban renewal and the taxes in the City of Nampa. He spoke of his experience as a staff reporter for the Wall Street Journal and how he believes we're not being told the truth about inflation. He talked about the high rents and a comment made by Blue Cross and Blue Shield that some people are paying more for medical insurance than they are for home mortgages and he is afraid we are heading for a disaster, similar to Proposition 13 in California. Mr. Fuller is very disturbed that there aren't any bids on the portable jail trailers that are being proposed. He said the Sheriff wants to spend \$200 million on a gold plated jail on an old riverbed property that's not suitable for construction. He thinks Mr. Jacobsen's idea for a four-story jail is a good idea and he thinks we need to give up on the \$200 million proposal. Any jail decisions need to be voted on by the public. Mr. Waite offered some final comments encouraging the Board to give taxpayers some property tax relief. Clerk Yamamoto said taxes are too high and on a personal level he's told his wife to sell all of their properties because he doesn't see an end to it, but what's being left out of this conversation is the explosive growth we're having. Ada County is completely different, they have a different tax base than we do. He also said impact fees is another topic that's being left out of the conversation. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to close public comment and testimony.

Commissioner Rule said this is a rather unique hearing in that he's not seen this kind of information ever presented. Typically, the Board considers a resolution approving the budget at this point, but this new information might worth having the Clerk and Controller analyze it and see if it's real. There were some things said that he would support and he thinks we should wait to approve the tentative budget for a week or two. Commissioner Dale said we've already closed the public hearing so it would be discussion amongst the Board and with the Clerk and Controller regarding the new information.

Commissioner White said the depth of information presented tonight requires some studying and getting some face-to-face time with the Controller and Clerk. She thanked them both for their accessibility during the budget process and said they made sure she received up to date material and they took the time for discussions with her and investigated her suggestions and acknowledged her questions by providing in-depth information and substantiated answers. She spoke about her own taxes and she has never been one to enjoy raising taxes for the services required. She has watched the population and the needs grow exponentially through the years and she's not sure the valley is ready for it. Decision-makers explore all possibilities of affordability, taxpayers weigh in, and hard decisions are made, many of which were never intentionally planned. This budget is fiscally sound and balanced and what we were presented is adequate to meet the County's needs and remain robust. We have taken care of the people's business in a conscientious purposeful budget protective method. We prioritize growing needs and acted to restore balance into funds that were overlooked long enough to become dangerously inadequate to meet this County's needs. The funds are being used properly in this year's budget in a manner that puts no strain on future service requirements. There was no greed, or unnecessary grabbing of money or outrageous requests. She said in her first budget year in 2017 she saw outrageous requests and there was none of that this year on behalf of department heads. It was done in such a conservative and respectful manner and very respectful of them acknowledging the use of the people's money. This speaks to the integrity of the process. Thank you to the citizens who are here tonight who spoke to us and offered ideas and suggestions. Commissioner White said we have an urgent need and it's the new jail and some of you spoke about it and it's very disappointing to her because as a County we have missed windows of opportunity for progress and these misses have cost us millions of dollars. She wants to achieve some forward progress on this huge need and move forward on the jail and move the process towards something the people can vote on. With regard to the temporary housing, we have had staff inspect them and the company (ADS) is very open-minded and has made changes that will strengthen and fortify the product they have. It's unique, there's not any other ones out there and that is unique because of the way it's manufactured. She said with the liability we face with the jail housing we are in great jeopardy with the jail housing and we need to address that.

Commissioner Dale said it would be premature to vote to approve the budget tonight because we need some time to analyze the new information. This is his 24<sup>th</sup> budget in public service and none of them have been easy and it takes collaboration and positive effort from everybody involved. The Clerk and Controller do a great job pulling this stuff together and working with the people to try to get the best bang for the buck. He recently saw an article that said Nampa was one the best valued for the amount of tax that you pay and that is amazing. It is a high value, we have a high value County and Nampa's part of Canyon County so that tax burden in Nampa also comes to Canyon County. He tries to base his actions on principles that do not change, principles are foundations upon which we can build political philosophy, fiscal policy and all other things in our lives. Probably the most visible political process is the amount of taxpayer dollars actually spent and you continually hear people say "those guys just like to spend money." There are some who espouse that being fiscally conservative means saying no to any spending increase regardless of the purpose, but under this sort of philosophy real world increases and the cost of doing business are not addressed;

equipment that always wears out will not be replaced until an emergency strikes and keeping up with the employee salary and benefits costs is put on hold. In reality this sort of attitude kicks those costs further down the road and will always result in higher costs to the taxpayer in the end. As elected officials we need to ensure the funds are spent wisely and that we get the most bang for our buck. We also have to acknowledge that in the real world costs do increase regularly and equipment does wear out. As elected officials we are responsible for determining where and how money is spent and we have to be able to keep up with those cost increases and equipment replacements as we are able in the most efficient manner possible and that's the challenge we face every year. Another principle of being fiscally conservative is that filling a need in today's dollars will always be cheaper than filling that same need in tomorrow's dollars, and the jail is a prime example of that. In 2006 the first jail bond was proposed for \$72.5 million and would have included a new jail, new housing for the Sheriff's Office, a DMV, dispatch center, and two courtrooms. That bond received 58% voter approval but it needed 66 2/3% so it failed. Today we have an unarguable need for a new jail and we've seen proposals that run the gamut anywhere from \$130 million up to \$197 million for just a jail with none of the extra amenities. The cost continues to spiral and if we continue to put this primary need off there's no mystery to what will happen to the cost. He believes in taking care of today's needs today and that's more fiscally responsible than kicking the can down the road. We have the statutory obligation to take care of the inmates in our care and that will not go away; today there are 464 people housed in the jail and we have a 477-bed capacity. We have close to 300 that should be in jail, around 40 who are being housed out of the county and those costs will amount to more than \$1 million for just the rent of the rooms in these other jails in the next year and that does not count driving the prisoners to that jail and back and forth for court appearances. It does not count the staff time; it's expensive and that will continue on until we find the solution to keeping those inmates in our own jail and that's why we are looking at the temporary pods as a potential. The Clerk and Controller have established a track record of being advocates for exploring options to save taxpayer dollars and they have done a good job of that in past years and there's no reason to think they're not going to be open to looking at viable ideas to save taxpayer dollars this year as well. He appreciates the ideas expressed and will take those under advisement.

Commissioner Rule said there are some action items we should finish before we adjourn and he would like to make a motion to not approve the 2019 budget as proposed at this point but direct the Clerk and Controller to take the alternative budget information analyze it and bring it back at a future date and time. Commissioner Dale said the proper motion would be to continue the hearing. He wants to sit down with the Clerk and Controller personally. (There was a review of the calendar with staff.) Commissioner Rule made a motion to continue the budget hearing to August 22, 2018 at 5:00 p.m. to allow the Controller and Clerk to look at the new information and make a recommendation. The motion was seconded by Commissioner White and carried unanimously. Commissioner Rule made a motion to continue the signing of the FY2019 L-2 forms to August 22, 2018 at 5:00 p.m. The motion was seconded by Commissioner White and carried unanimously.

The hearing concluded at approximately 7:02 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 9, 2018

PRESENT: Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Tina Wetzell, Daniel Lister, Rachel Jacques, and Kenneth Stringfield.

CONSIDER INDIGENT DECISIONS

The Board met today at 8:47 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Indigent Services Yvonne Baker, Customer Service Specialist Robin Sneegas and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2018-1183, 2018-1159, 2018-1304, 2018-1135, 2018-1143, 2018-1180, 2018-1181, 2018-1177, 2018-1160, 2018-1166, 2018-1172, 2018-1161 and 2018-1170. Commissioner White made a motion to issue written denials on the cases as read into the record. The motion was seconded by Commissioner Rule and carried unanimously. The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 8:50 a.m. to consider indigent matters. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Indigent Services Yvonne, Hearing Manager Kellie George, Deputy P.A. Zach Wesley, Deputy P.A. Dan Blocksom and Deputy Clerk Jenen Ross. Case no. 2018-743 now meets all eligibility criteria for county assistance and upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to issue a final written approval within 30 days. Commissioner White made a motion to issue final denials with written decisions to be issued within 30 days on case nos. 2018-935 and 2018-658. The motion was seconded by Commissioner Rule and carried unanimously. The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO.2018-927

The Board met today at 9:03 a.m. to conduct a medical indigency hearing for case no. 2018-927. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley, Julie Wood for St. Alphonsus, the applicant, the applicant's spouse and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to approve the case with a written decision to be issued within 30 days. The hearing concluded at 9:10 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-855

The Board met today at 9:12 a.m. to conduct a medical indigency hearing for case no. 2018-855. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley, Karen Thurber for West Valley Medical Center, Attorney Mark Peterson for West Valley Medical Center and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to approve the case with a written decision to be issued within 30 days. The hearing concluded at 9:18 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-783

The Board met today at 9:21 a.m. to conduct a medical indigency hearing for case no. 2018-783. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley, Attorney Mark Peterson for St. Lukes, Courtney Kriss for St. Lukes, the applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to continue the case to October 4, 2018. The hearing concluded at 9:28 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-861

The Board met today at 9:32 a.m. to conduct a medical indigency hearing for case no. 2018-861. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Deputy P.A. Dan Blocksom, Deputy P.A. Zach Wesley, Attorney Mark Peterson for St. Lukes, Courtney Kriss for St. Lukes, the applicant, Interpreter Mercedes Lupercio and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to

continue the case to October 4, 2018. The hearing concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

### INDIGENT MATTERS

The Board met today at 9:41 a.m. to consider indigent matters. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared on the following cases: 2018-803, 2018-896, 2018-798, 2018-802, 2018-280, 2018-773, 2018-873 and 2018-685. Commissioner Rule made a motion to issue final denials with written decisions within 30 days. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

### CONSIDER SIGNING BALLOT TO RE-APPOINT PAYETTE COUNTY COMMISSIONER LARRY CHURCH TO THE SOUTHWEST DISTRICT HEALTH BOARD OF HEALTH

The Board met today at 10:01 a.m. to consider signing the ballot to re-appoint Payette County Commissioner Larry Church to the Southwest District Health Board of Health. Present were: Commissioners Tom Dale, Pam White and Steve Rule and Deputy Clerk Jenen Ross. The Board expressed their support for the work Commissioner Church has done and continues to do for the health board and fully support this re-appointment. Commissioner Rule made a motion to sign the ballot to re-appoint Payette County Commissioner Larry Church to the Southwest District Health Board of Health. The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioner's Office.

### PUBLIC HEARING – REQUEST BY MIKE AND LINDA DUTTON FOR A PRELIMINARY PLAT, IRRIGATION AND DRAINAGE PLAN, AND FINAL PLAT FOR DUTTON SUBDIVISION, CASE NO. SD PH2018-19

The Board met today at 2:00 p.m. to conduct a public hearing in the matter of a request by Mike and Linda Dutton for a preliminary plat, irrigation and drainage plan, and the final plat for Dutton Subdivision, Case No. SDPH2018-19. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Director Tricia Nilsson, DSD Planner Debbie Root, Mike and Linda Dutton, and Deputy Clerk Monica Reeves. Debbie Root gave the oral staff report. Dutton Subdivision is located within the Nampa impact area at 5525 East Orchard Avenue in Nampa. The property was recently rezoned to R-1 Single-Family residential from Rural Residential for the purpose of creating smaller residential lot sizes. The applicants have bonded for the accesses for the residential lots across the irrigation lateral. The P&Z Commission recommended approval and staff is recommending approval as well. The improvements have been installed, other than the ingress/egress accesses. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously

to close the public hearing. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to approve the preliminary plat, the irrigation and drainage plans and the Findings of Fact, Conclusions of Law and Order as bonded for the irrigation lateral crossings, as well as the final plat. The hearing concluded at 2:05 p.m. An audio recording is on file in the Commissioners' Office.

**AUGUST 2018 TERM**  
**CALDWELL, IDAHO AUGUST 10, 2018**

**PRESENT:** Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

**SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE**

The Board approved an Alcoholic Beverage License for Bi-Mart Corporation dba Bi-Mart. See resolution no. 18-135.

**APPROVED CATERING PERMIT**

The Board approved an Idaho Liquor Catering Permit for The Piper Pub & Grill to be used 8/18/18 for a wedding.

**APPROVED CATERING PERMIT**

The Board approved an Idaho Liquor Catering Permit for The Piper Pub & Grill to be used 9/8/18 for a wedding.

**FILE IN MINUTES**

The Board filed the Treasurer's tax charge adjustments by PIN for July 2018 in today's minutes.

**LEGAL STAFF UPDATE AND CONSIDER AGENDA ITEMS**

The Board met today at 9:01 a.m. for a legal staff update and to consider agenda items. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto left at 9:08 a.m., Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Chief Deputy P.A. Sam

Laugheed, Director of DSD Tricia Nilsson left at 9:24 a.m., Director of Court Operations Denise Kennel left at 9:08 a.m., Court Training & Development Manager Raena Bull left at 9:08 a.m. and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Consider signing contract for Canyon County Courts outsourced scanning project:*** Mike Porter said this has been an ongoing effort in changing over from hard files to a digital system. The County was working with a vendor but they have closed their business. Four local companies were solicited for bids and Integra was the only company that provided a responsive bid. The courts would like to finish out this fiscal year using Integra and then if things go well possibly renew the contract for next fiscal year. Denise Kennel said this company does work with other counties so they are familiar with the scanning they will be doing. Clerk Yamamoto expressed his concern with the increased cost but said that Integra does a little more than the last business they worked with and with the Odyssey system all Idaho counties are now scanning which means they are busier and the cost goes up. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the contract for Canyon County Courts outsourced scanning project (with Integra Paperless Business Solutions – see agreement no. 18-099).

***Consider signing reconsideration request in CU-PH2018-6 Virgil Iovu – Rezone:*** Zach Wesley believes a written request was distributed to the Board by email and his understanding is that the Board has reviewed that document and determined that an additional hearing may be necessary to make a decision on the request. If the request for reconsideration is granted that would order an additional hearing and for DSD staff to provide public notice of that hearing in the same manner as the original rezone hearing. Reasons for reconsideration would be that if there was new evidence or materials that could possibly change the Board's position on the previous decision. The applicant and the public would have the opportunity to offer testimony but it would need to be limited to the new evidence that's presented. Director Nilsson feels that one of the key findings that this case originally failed on was compatibility which is somewhat subjective but staff could supplement the record with additional photographs from different angles. Zach Wesley said it would be important to determine the purpose of the structure and Ms. Nilsson said this was originally done as a straight rezone but that a development agreement or conditions could be put on it if that was warranted. She further explained that when dealing with residential developments that were done by conditional use in an ag zone one of the criteria for the rezone asks whether the new zone is more or less compatible. She said the request for reconsideration is pretty extensive in calling out findings for a rezone and the compatibility issue, the applicants don't feel an additional house is incompatible since there are other homes and that additional photographic evidence beyond a typical case file could be useful. Commissioner Dale said he would be willing to take another look at this case, if there is new evidence he would like to hear it, but said he would not commit to whether or not he would change his mind. Mr. Wesley said there are a few options that could be considered – approval, denial or rehearing – additionally, if the Board does not render a decision on the request it will expire in 60 days and is considered a denial. No action was taken by the Board at this time.

As part of the legal staff update Sam Laugheed said there was a meeting on July 9<sup>th</sup> with county stakeholders regarding jail related issues where the legal staff was instructed to get a revised cost estimate from DLR and solicit any bond counsel who would be interested in representing the Board. Two equally qualified firms responded regarding the bond counsel and he believes there has been communication from DLR about the cost estimate. Mr. Laugheed agreed that Prosecutor Taylor's recommendation to have an open meeting to discuss potentially selecting one of those firms for bond counsel and the updated cost estimate would be appropriate. September 7<sup>th</sup> is the deadline for ballot language to be submitted for the November election so a decision would need to be made quickly. Commissioner Dale is in favor of meeting with both firms to discuss bond counsel if there is any possibility of getting something on the November ballot. Commissioner Rule said this does not make any sense to him as he feels a \$187M bond will be voted down and he doesn't see the point in all this work when the Board should be focused on something that has a chance. He feels this is all premature in working on something that won't pass. Commissioner White believes meeting with these individuals would be for good for informational purposes. Commissioner Dale doesn't have high confidence that the county would pass a property tax bond for \$180M but we have to get some motion to move forward to figure out what the solution is and then develop what would be acceptable. Mr. Laugheed said that by meeting with these firms the Board isn't agreeing to submit a bond nor is speaking with DLR agreeing to their costs but these are the steps that could lead to informed decisions. Commissioner Dale is concerned that our window of opportunity may be too narrow at this point. Mr. Laugheed thinks bond counsel would be able to complete their portions it would just be a matter of if the outreach portion could be done in time. Commissioners Dale and White approved of Mr. Laugheed forwarding the emails that were received regarding bond counsel to the financial officers and to work with the Board's staff to schedule meeting times. Commissioner Dale asked about time restrictions for public hearings. Mr. Laugheed said that the final budget hearing has requirements of formality that are different from other public hearings. The Board has the ability to set reasonable time limits in order to manage the meeting and facilitate that everyone has a chance to be heard and that the meeting is not dominated by a few people. Mr. Laugheed said generally speaking he would err on the side of caution in letting people speak and/or giving additional time during the budget hearing. Commissioner Dale requested, and Mr. Laugheed agreed, that the ordinance probably needs to be reviewed.

The meeting concluded at 9:44 a.m. An audio recording is on file in the Commissioners' Office.

**AUGUST 2018 TERM**  
**CALDWELL, IDAHO AUGUST 13, 2018**

**PRESENT:** Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

LEGAL STAFF UPDATE AND CONSIDER SIGNING CITY OF CALDWELL/CANYON COUNTY PROSECUTION SERVICES AGREEMENT

The Board met today at 9:00 a.m. for a legal staff update and to consider signing the City of Caldwell/Canyon County Prosecution services agreement. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Prosecutor Bryan Taylor and Deputy Clerk Jenen Ross. Prosecutor Taylor explained that Caldwell was the last city within the county to maintain the services of a private firm but after an RFQ process they have selected his office to provide services for the upcoming budget year. The Caldwell City Council approved the proposed services agreement last Monday at their meeting. The agreement is exactly the same as what is used with the other cities. All the funds and fees will be run thru the Controller. Each year there is a potential increase built into the contract which will be worked out through the Controller and Finance Manager. The contract amount is based on the recommendation of the County Controller and the contract will go into effect October 1, 2018. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the City of Caldwell/Canyon County Prosecution Services Agreement (see agreement no. 18-100).

Zach Wesley let the Board know that there are five registered agents/buyers that are signed up for the auction of the property located at Hwy 20-26 that will take place tomorrow. The meeting concluded at 9:07 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND CONSIDER APPROVAL/DENIAL OF A REQUEST BY ALAN MOWRY FOR A FEE REDUCTION/REFUND FOR A CONDITIONAL USE PERMIT

The Board met today at 9:30 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley left at 9:41 a.m., DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross.

***Consider approval/denial of a request by Alan Mowry for a fee reduction/refund for a conditional use permit:*** Director Nilsson explained that Mr. Mowry is a ham radio operator who does not like the county ordinance and feels the fee is too high. Ms. Nilsson presented an email she received from Mr. Mowry where he cited ordinances in other counties where he could just walk in and get a permit but upon further research Ms. Nilsson has discovered that this is not accurate. Mr. Mowry wants to comply and is requesting a fee reduction to \$250. Staff is not supportive of this fee reduction and Director Nilsson feels that in the long-term the ordinance could be looked at again. Mr. Mowry has not actually applied for anything yet so there is not a lot of information as to the height of the tower, location or any other pertinent information. Commissioner Rule doesn't feel he can make a decision without this information. Commissioner White said that these fees are not on a case-by-case basis, the fees are set and it would be difficult to make a decision with the lack of details. Ms. Nilsson said there really aren't any fees as low as \$250 due to the amount of work that goes into this

sort of thing including notification to neighbors, preparation of the staff report and a bit of staff time involved in preparing the decision. The C.U.P is \$850 because it goes to P&Z and there are a lot more expenses with a hearing level application vs. an administrative decision. Commissioner White made a motion to deny the request of Alan Mowry for a fee reduction/refund for a conditional use permit. The motion was seconded by Commissioner Dale and carried unanimously.

Director Nilsson updated the Board on the following items: They are way above their budgeted revenue being almost \$600K in the black. In comparing FY2017 to FY2018 thru the end of June the valuation of permits was \$102M vs. \$72M the prior year with permit totals being about 30% higher. The department is now fully staffed with Dan Lister starting back today. Director Nilsson received from the Assessor's Office the acres in Canyon County that receive an ag exemption; nothing much has changed other than a slight decrease in irrigated ag land and a slight increase in irrigated grazing. The meeting concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH WEED & GOPHER SUPERINTENDENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:02 a.m. with the Weed & Gopher Superintendent to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Weed and Gopher Superintendent AJ Mondor and Deputy Clerk Jenen Ross. Director Mondor updated the Board on the following items: they are getting a lot of calls regarding puncture vine but at this point it's already gone to seed and needed to be addressed a month ago. They are currently spraying a lot of Canada thistle even though it's already gone to seed but because it's a perennial now is the right time to spray. The employee that was hired for the Gopher District is doing well. A grant was received from ISDA (Idaho State Department of Agriculture) for \$22,000. Because we're not in a CWMA (Cooperative Weed Management Area) it's a little more difficult to get the money to us but their lawyers are working out the details. Once it's resolved on their end he will be sure to have it reviewed by county legal. Owl boxes have been successful, they currently have 15-16 orders. The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH ADMINISTRATIVE DISTRICT JUDGE AND TRIAL COURT ADMINISTRATOR TO DISCUSS GENERAL ISSUES

The Board met today at 1:31 p.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Judge Susan Wiebe, TCA Doug Tyler and Deputy Clerk Jenen Ross. Judge Wiebe updated the Board on the following items: they will be doing the Magistrate selection on August 31<sup>st</sup> and hope to have that person start on October 1<sup>st</sup>. The Administrative conference was last month that she attended in Sun Valley. There are two vacancies anticipated in January, one in Canyon County and the other in Owyhee County. Mr. Tyler said he will start those recruitments within the next week and hopes to be able to conduct the

interviews at the same time. The meeting concluded at 1:41 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE PARKS DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:00 p.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. Director Schwend updated the Board on the following items: The water well drilling rig broke down causing them to stop for a week; it should have been back on the 10<sup>th</sup> and they planned to work thru the weekend. Straw bales are being delivered on the 22<sup>nd</sup> to replace the old ones on the atlatl range; park staff will work to make sure they are secured properly. The new native plant pollinator bins are done at Celebration Park. Idaho Oregon Snake River Water Trail is coming up on its 10 year anniversary; Laura Barbour is working to revitalize support and reach out to possible new members. Staff recently visited Cleo's Nature Trail in the Walter's Ferry area, the Owyhee County Museum and attended a plaque dedication ceremony at Dedication Point. Celebration Park staff recently had CPR & AED training. October 12<sup>th</sup> will be the opening of the newest exhibit at the park. Discussion was had regarding the travel management plan between the NCA and Celebration Park. Director Schwend addressed the 6 acres of land on the Boise River that was brought to the Board's attention by Director Mondor saying there may be cultural resource potential at that location and it might be worth working with BSU to conduct a field school at that location. Steve Vreeland, the NRA representative for Idaho, attended the last Gun Range Advisory Board meeting. He provided a lot of ideas for grants and resources, he suggested requesting a range technical assistant which could cost up to \$500. Since there is no budget for the gun range Director Schwend asked for the Board's permission to fund this from one of her misc. lines. The Board feels this would be a worthwhile cost. E.coli has been detected in the lower dam recreation area, anyone who has concerns is being advised to contact Southwest District Health. The refuge called a meeting to discuss erosion and trees at their location and possible solutions. The meeting involved the Parks department, the Bureau of Rec., the Board of Control and the refuge – the erosion is happening at the lower dam and some at Lake Lowell Park under the parking lot. The meeting concluded at 2:36 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 14, 2018

PRESENT: Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 8/14/18

The Board of Commissioners approved payment of County claims in the amount of \$37,841.95 for accounts payable.

APPROVED CLAIMS ORDER NO. 8/24/18

The Board of Commissioners approved payment of County claims in the amount of \$5287.80 for accounts payable.

APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Andrew Figueroa.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND CONSIDER SIGNING A RESOLUTION GRANTING OWYHEE PRODUCE, LLC A TAX EXEMPTION PURSUANT TO IDAHO CODE § 63-602NN

The Board met today at 9:04 a.m. for a legal staff update and to consider signing a resolution granting Owyhee Produce, LLC a tax exemption pursuant to Idaho Code §63-602NN. Present were: Commissioners Tom Dale and Pam White, Deputy P.A. Brad Goodsell, Deputy P.A. Mike Porter, Administrative Property Appraisal Supervisor Greg Himes left at 9:29 a.m., Administrative Analyst Jennifer Loutzenhiser left at 9:29 a.m., Director of WAED Tina Wilson left at 9:29 a.m., Shay Myers with Owyhee Produce left at 9:29 a.m. and Deputy Clerk Jenen Ross. Mr. Myers explained that they are a family operation and had previously been looking at Idaho due to pressures in Oregon from a labor standpoint. Due to the amount of snow that was received during the winter of 2016/2017 they lost 5 storage buildings and critically damaged the packing operations which forced them to quickly make a decision to move at least the storage buildings to Idaho. They currently have 6 bays of storage on the Idaho side, most of which are fully refrigerated, state of the art buildings. The packing shed and corporate offices have now also been moved. They will pack approximately 1200 acres worth of onions thru that facility with a fair amount of room for growth. Mr. Goodsell said Owyhee Produce met with the Board early on before they started this process to inquire about the incentives; at that time the Board indicated that they would be favorable to provide incentives if the requirements were met. Mr. Goodsell reviewed the spreadsheet provided by Owyhee Produce included with the resolution saying that their investment is about \$13M and with a 75% exemption it would be almost \$10M exempted that would exist over the 5 year period. They have also created the number of positions that is required for a level 2

investment, however, their salaries are not particularly high for their line employees but that is expected for this type of business. Mr. Goodsell spoke about the ordinance that guides tax incentives in regards to how significant benefits accrue to the public good, primarily in the form of high-paying jobs and increase property values along with the guidelines for new business investment. Although these jobs do not exceed the average wage for jobs in the county the criteria in the ordinance is set as a guideline and the fact that they don't exceed the average wage of the county doesn't necessarily exclude them from getting an exemption as long as the Board finds that they demonstrate significant economic benefit. Because they are in an area of the county that is difficult to get investments, the Board may find that this is an appropriate case for incentives despite the fact that the wage guideline isn't met. Tina Wilson spoke about the economic impact stating that some of the benefits that happened with the shift into Idaho, into this part of the county, created year-round, full-time jobs vs. seasonal jobs. In April of this year the State of Idaho declared this area an 'opportunity zone', as an 'opportunity zone' designation it is determined that this area is low income and needing investment and in a poverty state so this particular census track was created to encourage investment. In February of 2017, shortly after the major snowstorms, was the first time that they approached the county in regards to bringing this business into Canyon County; about the same time the storage sheds were completed and entered the tax rolls as new construction. Within the last few days they've gotten the machines in the packing shed up and running. Mr. Goodsell reiterated that it would be at the Board's discretion as to how much of an exemption they grant. Mr. Myers said that since they came from Oregon they are still paying almost \$4.00 over Idaho's minimum wage; they didn't lower anyone's wages when they moved the operation to Idaho. Mr. Goodsell explained that the draft resolution provides for a 75% exemption as they meet the number of jobs requirements and investment requirement for a level 2. Additionally, they also meet the multiplier requirement for the 20% bonus. Letters from Owyhee Produce LLC and Froerer Family Limited Partners were provided today stating they agree with the terms and conditions of this tax exemption. There were no representatives from any taxing districts present for today's meeting nor were any objections received. Commissioner Dale made a motion to sign the resolution granting a tax exemption to Owyhee Produce LLC under Idaho Code §63-602NN. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 18-136).

Mike Porter said tomorrow two contracts with Argyll LLC are on the agenda for consideration. This is in relation to the need at the jail for psychiatric services. There was a contract with another vendor before the Board about six weeks ago but that vendor drastically increased their prices and even with that they were not able to provide the services required. Mr. Porter wanted to bring to the Board's attention the reason for the two contracts is because in order for Argyll to take on the responsibility of the start-up costs the county agreed to have the contract start as soon as possible and run thru the end of this fiscal year and then a new contract for the next fiscal year.

Commissioner Dale received a call from the City of Caldwell regarding the animal shelter contract that they recently received. They feel it dramatically increases what the shelter is asking for from the city and are checking to see if Nampa received the same increase. The county's jurisdiction extends only to the budgetary support but there is no oversight of the operations or the Board. Mr. Porter will let Mr. Wesley know that he may be receiving some questions about this.

The meeting concluded at 9:33 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY LEROY ATWOOD WITH MONARCH HOLDING, LLC, FOR A REZONE

The Board met today at 9:38 a.m. to conduct a public hearing in the matter of a request by Leroy Atwood with Monarch Holding, LLC, for a rezone. Present were: Commissioners Tom Dale and Pam White, DSD Director Tricia Nilsson, DSD Planner Kyle McCormick, Leroy Atwood, and Deputy Clerk Monica Reeves. Kyle McCormick gave the oral staff report. The vacant parcel is approximately 22 acres and is located on Smith Avenue and is the result of an administrative land division which divided the original 24 acres into a 22-acre parcel and a 2-acre parcel. The property is adjacent to an approved City of Nampa multi-use sports park. The P&Z Commission recommended approval of the rezone. At the hearing two affected property owners spoke in opposition to the request with their main concerns being water delivery and irrigation. The applicant stated during the hearing that the irrigation system for this development will not interfere with the delivery of the water to the adjacent property owners. The P&Z Commission concluded that many of these concerns could be mitigated through a subdivision plat application including an irrigation plan and irrigation easements that ensure water is delivered to adjacent properties. The subject property is currently zoned agricultural and the Canyon County Future Land Use Map designates this parcel as residential. A majority of the surrounding area contains farmland and other rural residential uses. There are currently 13 platted subdivisions within one mile of the subject property. Within the past five years there has been one rezone from Agricultural to Rural Residential and this rezone case was later platted into a six-lot subdivision called Bella Vista Subdivision. Parcels directly to the west were rezoned from Agricultural to Rural Residential in 2011. The property is located within a nitrate priority area. The applicant has worked with Southwest District Health on a nutrient pathogen study and subdivision engineering report. All lots will be required to use advance treatment systems, and any changes to the site plan will have to go back to be re-engineered with the health district. Access exists on Smith Avenue which is a public road. Canyon Highway District has reviewed the applicant's site plan and has stated all public roads proposed on the site plan will be required to meet the district's requirements. Nampa Fire sent in comments stating that the closest fire station is 2 ¼ miles away which is well within the five minute response time. The single access is acceptable for new developments under 30 lots. Staff is recommending approval of the

rezone request. Leroy Atwood testified that they have worked with the neighbor on the property line issue. The neighbor's building was encroaching on his property so rather than have them move it, he simply gave the neighbor ten feet which gives the proper setback away from the property line. It will be part of the plat. Mr. McCormick said they applied for a property boundary adjustment with a new legal description and per the proposed ordinance amendment that will make changes to the official zoning map. The legal description is for the new property boundary that's been proposed. Mr. Atwood said they've owned it a little length of time but when we did the studies for the septic one of their big concerns was they didn't want to add to any problems that may be there so they have designed the very latest septic system. The location of the septic systems, wells, and drain fields will be listed on the plat. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to close the public hearing. Commissioner White said this is very straightforward case and she believes the issues have been addressed; she then made a motion to approve the rezone for Monarch Holding, LLC, Case No. RZ2018-0004 and to adopt the Findings of Fact, Conclusions of Law, and Order as written. The motion was seconded by Commissioner Dale. He said the property is within the growth pattern of the City of Nampa and is a logical extension of the city. The motion carried unanimously. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to change the zoning from "A" (Agricultural) to "R-1" (Single Family Residential) and sign the ordinance changing the zoning. (See Ordinance No. 18-021.) The hearing concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH SOUTHWEST DISTRICT HEALTH TO DISCUSS CRISIS CENTER UPDATE

The Board met today at 10:01 a.m. for a meeting with Southwest District Health Director Nikole Zogg for a crisis center update. Present were: Commissioners Tom Dale and Pam White, SWDH Director Nikole Zogg, and Deputy Clerk Monica Reeves. Director Zogg's report was as follows:

Life Ways has been identified as the behavioral health provider for the crisis center. Great progress with the health insurance companies has been made; they are trying to do methodology with all insurance payers together so they are consistent in how they want to reimburse. Life Ways will bill for the service.

The foundation of Blue Cross of Idaho is interested in studying our crisis center model as well as making the crisis center and behavioral health system more robust so they are providing extensive resources potentially. They are asking for six figure types of investment to help assess the return on investment of the center and then bolster those connections for clients. There aren't enough resources to be extensive in the follow up that's required when someone leaves the center so there's a lot of interest in how we better coordinate the care. Commissioner Dale said this is groundbreaking because no other crisis center has gone to health insurance companies to ask for payment. We know the state has committed to operational funding for first two years plus \$200,000 for structural improvements in a facility once it's identified so let's talk about financial arrangements the counties are considering.

As far as the cost for running the center, for years 1 and 2 the cost will be \$1.9 million; and for years 3, 4, and 5 the cost will be \$1.7 million. They were not initially anticipating full funding from the legislature but the best case scenario worked out where they did full funding and funded all three remaining centers in addition to sustaining the other four that were already in place. Director Zogg believes they will receive state funding in the amount of \$1.5 million for the first two years and then the amount will shift to 50% of operations for years 3, 4, and 5.

The insurance payers of Blue Cross of Idaho, Regence, Select, Pacific Source, and MTHHealth, are being asked to contribute \$100 per visit. That doubles by year 5 assuming there is evidence that the crisis center is effective in decreasing costs and getting people out of the ER and focusing on prevention. She's confident we'll be able to contract with the payers for some level of reimbursement.

They estimated the contributions of each county in the district partly based on population and property valuation. The amounts are flexible and can be changed by the advisory board if it's not equitable.

The cities of Nampa and Caldwell have approved funding in their respective budgets for FY2019. Canyon County is being asked to contribute \$137,080 this year. Commissioner Dale said he supports the project but funding was not included in Canyon County's budget for FY2019 and he's not sure how to handle that because it's going to look bad to the other counties that we didn't allocate funding for it. Commissioner White said perhaps it was not included because the state is providing upfront funding for the first two years. Director Zogg is concerned that this may cause the other partners to back out. Commissioner White said this was Canyon County's baby and we are very fortunate these other counties see the value and recognize the need in their own counties and have come to the table so we need to be in tune with that when we re-approach the funding aspect next year. She also questioned why the hospitals' funding amounts stay level. Director Zogg said perhaps the advisory board could re-evaluate that. Commissioner Dale said as the SWDH board maybe we need to reconsider whether we ask taxpayers to contribute to the operational budget when we know the operational budget will be covered by the state for the first two years. He said Canyon County supports the crisis center and he doesn't want the hospitals or insurance payers to think we're not supportive. Director Zogg understands that point but she struggles with whether the center will have the support in two years when she has these conversations over again (potentially) with new people. Commissioner Dale offered to ask the Controller if it would be possible to find some money within the budget to put toward the center. Director Zogg said the issue can be discussed at the upcoming SWDH board meeting. She offered to run some new numbers with percentage reductions to everybody's budgets in order to see what it would look like. The meeting concluded at 10:46 a.m. An audio recording is on file in the Commissioners' Office.

#### AUCTION OF HIGHWAY 20-26 PROPERTY

The auction was conducted by Greg Bullock of Bullock & Company Realtors. The Board was not required to attend.

CALDWELL CITY P&Z HEARING REGARDING THE COUNTY'S SPECIAL USE PERMIT APPLICATION REGARDING INSTALLATION OF A TEMPORARY JAIL

Meeting was conducted by Caldwell City P&Z. The Board was not required to attend and no decisions were made by the Board.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 15, 2018

PRESENT: Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- R&H Wholesale in the amount of \$6035.53 for the Facilities department

APPROVED CLAIMS ORDER NO. 8/15/18

The Board of Commissioners approved payment of County claims in the amount of \$34,642.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 1823

The Board of Commissioners approved payment of County claims in the amount of \$1,528,792.31 for a County payroll.

LEGAL STAFF UPDATE AND CONSIDER AGENDA ITEMS

The Board met today at 9:00 a.m. for a legal staff update and to consider agenda items. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Mike Porter left at 9:08 a.m., Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell left at

9:08 a.m., Captain Daren Ward left at 9:08 a.m. and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

CONSIDER SIGNING INDEPENDENT CONTRACTOR AGREEMENT FOR JAIL TELE-PSYCH MENTAL HEALTH SERVICES AND THE FY2019 INDEPENDENT CONTRACTOR AGREEMENT FOR JAIL TELE-PSYCH MENTAL HEALTH SERVICES: these agreements are being signed concurrently as there is an immediate requirement to provide mental health services in the jail but there are some start-up costs the company will incur and they needed to know that their services would be utilized for more than just the remainder of FY2018. The cost is about \$8300 per month but due to the shortage of this type of provider there are not a lot of choices. The provider they had for several years left a while back and although they had the job posted for several months due to the shortage of mental health nurses they have not been able to find anyone. Commissioner White made a motion to sign both the independent contractor agreements for jail tele-psych mental health services and the FY2019 independent contractor agreement for jail tele-psych mental health services (see agreement nos. 18-101 and 18-102). The motion was seconded by Commissioner Rule and carried unanimously.

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*A request was made to go into Executive Session to discuss a personnel matter and records exempt from public disclosure. The Executive Session was held as follows:*

Commissioner Rule made a motion to go into Executive Session at 9:09 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:28 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING WITH RICHARD SKINNER OF SKINNER FAWCETT, LLP TO DISCUSS QUALIFICATIONS AND TERMS OF HIS POSSIBLE ENGAGEMENT AS BOND COUNSEL – EXECUTIVE SESSION PURSUANT TO 74-206(1)(A) AND (D) LIKELY

The Board met today at 9:30 a.m. for a meeting with Richard Skinner of Skinner Fawcett, LLP to discuss qualifications and terms of his possible engagement as bond counsel. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Deputy P.A. Sam Laugheed, Richard Skinner with Skinner Fawcett, LLP via teleconference and Deputy Clerk Jenen Ross.

Mr. Laugheed said this meeting and the one scheduled for 10:30 a.m. today are to speak with potential bond counsel. Essentially these are job interviews in preparation for an open meeting at 11:00 a.m. to decide whether to sign a letter of engagement with one of the representatives. When the county hires an outside attorney it's historically been considered a personal service contract that is exempt from the procurement process, additionally, when the Board interviews to hire or appoint agents it's done in executive session which would be appropriate under Idaho Code §74-206(1)(a) and (d) but given the great community interest in jail related issues it was thought prudent to identify on the agenda what would be happening and then provide that opportunity for the Board if they wanted to go into executive session to conduct those interviews and some deliberation. At 11:00 a.m. an agenda meeting is scheduled to consider signing one of those agreements. Commissioner Rule asked about the fees being charged by each firm and Mr. Laugheed explained that those would be the fees the county is responsible for even if the bond doesn't pass; there will be additional costs if the bond does pass. Commissioner Rule does not feel this is a good use of taxpayer money as he is confident that a \$185K bond will fail. Commissioner Dale said this is all part of the process of either finding another funding source or moving onto another bond election until an acceptable solution is found.

#### PUBLIC HEARING – REZONE REQUEST BY VANCE EDWARDS

The Board met today at 10:05 a.m. to conduct a public hearing in the matter of a request by Vance Edwards for a rezone, Case No. RZ2018-0006. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Jessica Skinner, Dave Barr and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property is approximately five acres and is currently zoned agricultural, and the Canyon County Future Land Use Map designates the property as residential. The entire area is shown as future residential. There are 25 platted subdivisions, for a total of 446 lots, within one mile of the property. There are existing residential zoning designations in the area. The request to rezone is similar to the zoning classifications that exist in the area and would not create an incompatible land use. The subject property is within a nitrate priority area and any subsequent development of the property would be required to adhere to Southwest District Health regulations for new septic systems. Canyon Highway District has indicated that Lansing Lane is classified as an urban major collector and has indicated what access would be required and that would be addressed at the time of approach permits being issued for any subsequent new building permits. Staff has found the request meets the standards of review for zoning amendment and is harmonious with the Canyon County Future Land Use Map as well as the comprehensive plan. The P&Z Commission has recommended approval of the request. Jessica Skinner testified that the Edwards' are requesting a rezone so they can split their five acres into two parcels and then build a smaller home on the new parcel. The surrounding land use is a mixture of residential and agricultural, but this parcel sits next to a platted subdivision containing lots mostly under two acres. Ms. Skinner said the use is compatible and similar in nature with the character of the area. The subject parcel fronts Purple Sage Road and Lansing Lane which are public roads. The applicant will work with the highway district when and if a new approach is requested. There has been no concern expressed by any government agencies

or neighbors. The existing parcel will be 3.99 acres and the new parcel will be one acre. Ms. Almeida said the minimum lot size in an R-R zone is two acres so it will need to meet the minimum lot size so they will have to adjust it by one acre. Dave Barr testified in favor of the request as he believes it will enhance the area. He also said he hasn't heard any objections from the neighborhood. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Dale said it needs to be communicated to the applicants that there are restrictions for the minimum lot size. Commissioner White said it is a compatible request and fits in with what's already in place. Commissioner Rule noted the development that has occurred in the area. Upon the motion of Commissioner White and second by Commissioner Rule, the Board voted unanimously to approve the rezone for Vance Edwards and adopt the Findings of Fact, Conclusions of Law and Order for Case No. RZ2018-0006. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to approve the ordinance directing the change to the official zoning map for Case No. RZ2018-0006. (See Ordinance No. 18-022.) The hearing concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH NICHOLAS MILLER OF HAWLEY TROXELL TO DISCUSS QUALIFICATIONS AND TERMS OF HIS POSSIBLE ENGAGEMENT AS BOND COUNSEL – POSSIBLE EXECUTIVE SESSION PURSUANT TO 74-206(1)(A) AND (D)

*A request was made to go into Executive Session to discuss a personnel matter and records exempt from public disclosure. The Executive Session was held as follows:*

Commissioner Rule made a motion to go into Executive Session at 10:32 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor of the motion to enter into Executive Session. Commissioner Rule voted against the motion. The motion carried in a 2-to-1 split vote. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Deputy P.A. Sam Laugheed, Nicholas Miller and Chelsea Porter with Hawley Troxell and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:56 a.m. with no decision being called for in open session.

MEETING WITH COUNTY STAKEHOLDERS REGARDING PROPOSED PERMANENT JAIL SOLUTION; CONSIDER AUTHORIZING INITIATION OF EDUCATIONAL OUTREACH THROUGH DLR; AND CONSIDER SIGNING LETTER OF ENGAGEMENT WITH BOND COUNSEL

The Board met today at 11:02 a.m. for a meeting with County stakeholders regarding proposed permanent jail solution and to consider authorizing initiation of educational outreach through DLR; and to consider signing a letter of engagement with bond counsel. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Civil Deputy P.A. Sam Laugheed, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, Assessor Brian Stender, Facilities Director Paul Navarro, PIO Joe Decker, Nicole Foy from the Idaho Press Tribune, Lori

Coppenrath and Justin Stranzl from DLR, who participated via conference call, other interested citizens, and Deputy Clerk Monica Reeves.

Because the Board had questions regarding the increased cost estimate and potential public outreach and Lori Coppenrath and Justin Stranzl from DLR joined the meeting via conference call. Ms. Coppenrath said when they looked at the estimate from last time when they did the reduction in scope components they thought we would save around \$20M, but the cost benefit analysis of including those components versus not including them just didn't come out to \$20M, but they were able to save about \$10M just by reworking the way they calculated the sales tax and escalation based on newer information. They didn't need to charge sales tax on the overall total project cost worksheet so it's now included in the numbers of each individual item, and with escalation moving out another year and a half that's how they got to \$187M. They were able to reduce the soft cost which includes the sales tax in order to get to the number so if we were just going to escalate this from \$170M out another year for the construction it would have added another \$8.5M to \$9M. It shows a full meal deal for the entire facility including moving work release to the new site. This does not include financing costs because depending on how you do the financing you'd either capitalize your finance costs or not and because they didn't know what we were doing it doesn't include any financing costs. Commissioner White said she remembers it differently. The cost went to \$170M, but sales tax wasn't in on it; that was removing programming space, changing the paint, and removing the artwork. She recalls it was about a \$30M difference. Ms. Coppenrath said at the last meeting they talked about the artwork, and changing from an epoxy coating to more of a Tnemec paint, and they talked about reducing programming space, and reducing work release. She said they estimated it to be about \$20M-\$22M, and at that time they were at \$196M and so it came down to the \$174M range. \$170M was a nominal number they were using; that was not an estimation of what those numbers would be, that was an internal number. Once their estimator looked at it they weren't saving that much money based on what they had thought at the meeting. If you want to reduce it from here, including getting rid of those functions, that would be a different number. This is for the full jail, including work release, the paint, the cameras and the programming. The \$187M estimate is a revised number from the \$196M and it does not include the reductions that we talked about a few months ago as far as reduction of program space, changing the paint and perhaps leaving work release where it's at. That would only save \$8M, but it would not reduce the estimate as much as originally thought. It would reduce it to the \$179M range. Ms. Coppenrath said another place to save a little would be with the design fee contingency of 8.48%. It's a little high but based on the fee for this project being a significant number (\$14.3M), a million dollar design fee contingency would be appropriate, but she just needed to have that conversation with the County about whether we want to reduce it to \$1M, which DLR would be comfortable with. We also have a 5% change order allowance, about \$7M on the project and she thinks that's appropriate. Clerk Yamamoto asked what kind of formula DLR used on the inflationary trend. Ms. Coppenrath said this estimate is inflated to the mid-point of construction which would be October of 2021; its anticipated construction would start in 2020 if we go out for the bond in November. The escalation factor is not a static number going out to the future, you have to have a number somewhere, depending on the year, between 4% and 6.5% that adds up into getting you to a number that is not the low bid number. They estimate for the middle bid, that's where their estimator targets his estimate

fee, he's not targeting for the low bid or the high bid, he's targeting in the middle and that's a little conservative. The escalation is to the mid-point of construction because they figure that's when the contractor will have to buy out, for example, all of his materials will be bought out by the middle of construction so they assume the middle of construction is the date to use to end the escalation period.

Regarding the issue of public outreach, Justin Stranzl said DLR has enough time to provide the support they talked about when the County first brought them on board. The challenge is on the County's end; do we feel we have enough time to bring our team together. DLR can provide the services, but they need the County to do a lot of heavy lifting in terms of updating websites, getting out to community groups, working with bond counsel, and getting information in the voter's pamphlet and that deadline is right around the same time as getting the measure on the ballot. He said if the County is confident that it can meet the deadline bond counsel has provided then we will be okay, he's not concerned about not having enough time to complete that public education effort. The bulk of the effort is trying to compress it into about 10 weeks dating back from Election Day which takes you to the end of August, the beginning of September when you want to kick it into gear. Ideally DLR would get authorization from the County as soon as possible and they can begin work on some of the collateral materials, and giving the different design templates of things we could take to meetings and getting all the materials on the website and then getting in front of the community.

The conference call concluded at 11:24 a.m. and a discussion amongst the stakeholders was held as follows:

Sam Laugheed said the Board is confronted with a couple different questions and if it were to decide to go out to bond one of the first questions is what level of comfort or precision do you need to have with the cost estimate for the project. Other options include: requesting DLR to prepare some other proposal and cost; we could hire a construction manager/general contractor to work with an architect to establish a guaranteed maximum price; there is the issue of timing and the work for outreach. The Board is positioned, if it wanted to today, to move forward with bond counsel and with authorizing DLR to start that outreach, but the clock is really ticking on a November approach. Marv Dashiell said the Sheriff's opinion is that we need to move forward with something. He understands the reservation and the opportunity to provide appropriate education for the public and give them options but for every delay it affects the cost estimates and ultimately the Board is the only body with the authority to move forward with a decision and the Sheriff's Office will support the decisions and will provide assistance during the education programs. Commissioner Dale said successful campaigns are not rushed and he's not yet made up his mind on when to hold a bond election, but it needs to not be an exercise in futility but an exercise that could result in a successful outcome if at all possible and in order to make that happen we need some more concrete numbers and options for the public to look at as far as features in the jail. We are relying upon the experts to tell us what we need, but within that bubble there are some options, just like in this presentation Ms. Copenrath talked about the new estimate that puts back in all of the items that were in the original \$197M estimate. Do we need that? Does the \$8M make a difference? Are there other options that could lower the cost? The number is

down to \$178M if we took out the items we originally removed. Captain Daren Ward said one of the removed items was the camera system at a cost between \$1.5M-\$2M, but that's going against Idaho jail standards to remove cameras from the facility and it doesn't make any sense to remove it. Another item was leaving the work release center here rather than moving it to Pond Lane, but from our standpoint he would be operating two facilities. The work release center is one of the cheapest places to build inside a jail because it's dormitory style housing, it's not expensive housing and that's why with all of these line items it came out to that \$8M difference, which is a lot of money but when you look at the \$178M total it's a drop in the bucket. Another reduction was changing from an epoxy paint to a regular paint, but several years ago they switched from a regular paint to an epoxy because it had to be repainted every couple of months. It's a onetime good use of money. Also, he does not think it's a good idea to remove the programming space. Commissioner White said DLR said we have 10 weeks and so that puts us at two weeks from now to get started and establish a team, get a local outreach group, get citizen involvement, and putting together our own part. It's a huge decision to make right now and so we better be sure we can pull this off. Commissioner Rule said a \$187M bond will fail over and over again and rather than pumping money into a bond project for 1100 beds we need to do outreach to find out what number the public will support. Clerk Yamamoto said he put all of his time and effort into the ADS (temporary female housing) project because that will give some relative immediate help with the situation. Nobody thinks the modular pod idea is ideal, but he believes it's our only option for some breathing room. He's put zero effort into the jail bond because there's been little movement and we are too late for a November bond election. He said the Board needs to make up its mind, gather facts and go to the people with how much it will cost and what the jail will consist of. Commissioner Dale said progress has been made and although it's been slow there has been some groundwork done. He's been a strong advocate for getting something on the ballot for November but the window of opportunity for that is too narrow; however, we don't have an option to do nothing and the longer we wait the more it will cost us. He is committed to keeping at this as long as it takes and he believes the best chance at reaching a good solution is to start working now with a target of May. Treasurer Tracie Lloyd said this conversation has been going on for a couple years and the longer we wait the more expensive it gets so at some point a decision needs to be made and we need to go with it. Captain Ward we've been talking about this for 12 years and he is concerned about kicking this can down the road and being in this same position again in March where we say we don't have enough time for the May election. Mr. Laugheed said the Board could enter into a contract with bond counsel at its convenience now in preparation for either an election in November or in May. Bond counsel duties prior to a bond election consist of less than \$10,000 worth of work: preparing a resolution, an ordinance, coordinating with outside finance or municipal advisors, and working on ballot language. There is a 60-day deadline on those things and the bond counsel we've talked to have suggested that there is sufficient time right now to do those pre-bond duties and they sort of suggested that the question was the outreach time that DLR addressed. If we were to enter into a contract with bond counsel now for a May election we could certainly do that but he wouldn't expect to be incurring any costs related to a bond election until next calendar year. There are other things they could do in the meantime to provide independent advice on other options that could be available to the Board and the PA's Office would help in retaining them and make sure that any advice that they were giving, not relative to the bond, was delivered in the same written format with

the assurances. As far as what they would do, probably not pre-bond, but other activities. The Board has two proposed letters of engagement from bond counsel that outline the terms and we had an executive session for some candid and privileged communication, but those letters and the proposals are public. Commissioner Dale said he's worked with both individuals and for this project he felt good about Nick Miller as he offered options that were not offered by the other applicant and he suggested there are some things they could be doing for us regardless of when we go to bond, whether in November or May. Commissioner White said if we're looking at May our outreach has to begin immediately and we have to find people who want to work on the effort. Commissioner Rule said \$187M will not be approved so the Board needs to spend its money wisely and try to find out what the people will support. Clerk Yamamoto said outreach is mandatory and it's about providing the public with facts and numbers and getting them on board with what the problem is and what the solution looks like. Half of the outreach is trust, those who are going to vote on this have to trust that the Board and the Sheriff are doing the right thing in the right way at the right time so the outreach needs to include doing some things that promulgate trust. It's a matter of talking to people and developing that trust that they think you have the intellect and the common sense, the wherewithal to make things happen in a good timely manner. Commissioner Dale wants to work with Nick Miller as bond counsel. Treasurer Lloyd said bond counsel can bring ideas of alternative financing options as well. Commissioner Rule said both bond counsel firms narrowed the scope that bonding is the only option we have. Once we pick a number then we can decide what we're going to bond for and how much the interest rate might be, but as far as some of the leasing options and things like that he doesn't think it would ever get approved by the Board of Commissioners. Commissioner Dale said we need bond counsel and we need to get them on board now, the sooner the better so they can help us move forward whether through some of the options brought up by Nick Miller and his firm or just the standard things the other individual offered. He's in favor of moving forward particularly since the cost involved would be minimal to get the expertise on board. Mr. Laugheed said the cost for those alternative financing options were alluded to in Mr. Miller's proposed letter of engagement. Commissioner White asked if that would lead us into getting that advisory provision in place as well. Mr. Laugheed said that is the case, and he thinks the County would want bond counsel to have a good relationship with the municipal or financial advisors and so whichever bond counsel you go with we'd ask them to identify potential municipal advisors and then we'd run those advisors by the Clerk and Treasurer in their budgetary and finance capacities. In the Treasure Valley there are a couple firms that we've worked with in the past, Piper Jaffray and Zions Bank, there could be others but we'd ask bond counsel to help develop that relationship. Commissioner Rule suggests we get the financial advisor on board and then do the outreach program simultaneously and as that lines up it will be obvious when to bring bond counsel on. Commissioner Dale made a motion to sign the letter of engagement with bond counsel Nick Miller with the Hawley Troxell law firm. The motion was seconded by Commissioner White. During discussion Mr. Laugheed said the Board has a letter from Mr. Miller that outlines a three phase of potential retention for him; the first phase would be pre-bond, the second phase would be post-successful bond, and the third phase would be the alternative financing structure, legal counsel. It's clear that he cannot provide the financial advice but he can provide the legal advice so this letter would be sufficient with follow-up from the Board saying we are starting with phase 3 basically, unless you wanted them to prepare a resolution and ordinance just for you to have. He

doesn't know that anymore negotiation is required. His hourly rate is in there and his understanding of the scope of work is outlined. Commissioner Rule said we are hiring people to do things that will ultimately fail and he doesn't want to waste tax dollars in that effort. A roll call vote was taken with Commissioner Rule voting against the motion and Commissioners Dale and White voting in favor. The motion carried by two-to-one split vote. In response to Commissioner White's question about DLR assisting with public outreach, Mr. Laugheed said the existing contract with DLR contemplated their work on a strategic needs analysis, the preparation of a concept design after vetting with stakeholders, and the outreach component. His last communication with Ms. Coppenrath suggested that there was \$32,000 still remaining in the original contract that had not yet been billed or requested services for. (The original contemplated \$52,000.) The other alternative would be ask DLR to do further work on alternative proposals regarding the cost if that was something the Board wanted to do. If outreach is the goal he thinks they are prepared to start and he thinks we can have the public information officer in contact with them to help put the team together and identify local contractors who could be of assistance with the educational part. We need to talk about how that daily work would be accomplished. Clerk Yamamoto asked for clarification on the point that if there is further work with DLR it doesn't mean we are committing to DLR as far as jail construction. Commissioners Dale and White said that is correct. Mr. Laugheed said we would need to do significantly more work. Under the procurement statutes the County could contract with DLR for architecture services but discussions that he's had with Director Navarro and with CMGC representatives, the County would need to contract with an independent construction manager to be working with the architect. We could go through a CMGC RFQ process and a new architect process in order to get actionable construction documents prepared. Commissioner Rule asked what we need DLR to do in their outreach, and what is the bond amount? Commissioner Dale said we have to do our homework and we have started that process by contracting with the best firm that knows jail needs analysis data and jail construction, and they are on top of what the latest and most efficient jail designs are. As we move forward the educational process of how they reached that number of 1044 bed, that's part of the outreach that needs to be out there so that we don't just pick an arbitrary number and say let's build, for instance, 700 beds. We have the information that needs to get out there. Beyond that, maybe it's not possible, but as we move forward we need more concrete options to present to the public and say Option A or B. We need to vet the options carefully. Commissioner Rule wants to see more structure before he authorizes \$30,000 to be spent on public outreach. Commissioner Dale said he's been saying we need more definition, and once we trigger that educational portion we need to know what we are educating about. He is not ready to authorize public outreach with DLR at this point. We have some work to do before we get to that. The meeting concluded at 12:07 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS AUCTION OF HIGHWAY 20-26 PROPERTY TO CONSIDER SIGNING SALES AGREEMENT FOR AUCTION OF HIGHWAY 20-26 PROPERTY

The Board met today at 1:27 p.m. to discuss the auction of the Highway 20-26 property and to consider signing a sales agreement. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Yesterday the

property located at Highway 20-26 sold at auction for \$1,635,000.00 to Idaho Holdings LLC; earnest money has been accepted on deposit with Pioneer Title. The purchase is a cash offer without any contingencies and a 30-day closing. The county is responsible for title insurance and half of the closing costs. Commissioner Rule made a motion to sign the sales agreement for the property at Highway 20-26. The motion was seconded by Commissioner White and carried unanimously (see agreement no. 18-103).

PUBLIC HEARING CONSIDER APPROVAL/DENIAL OF A REQUEST BY MAVERICK TOWERS FOR AN APPEAL OF THE PLANNING & ZONING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT; CASE NO. PH2018-17

The Board met today at 1:34 p.m. for a public hearing to consider an approval/denial of a request by Maverick Towers for an appeal of the Planning and Zoning Commission's denial of a conditional use permit, case no. PH2018-17. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Kyle McCormick, Andy Cockell, Bob Scarbrough, Richard Stuppy, Steve Givens, Kay Cherry, Kim Cherry and Deputy Clerk Jenen Ross. Kyle McCormick said that on July 18<sup>th</sup> an appeal was heard regarding this case and at that time the hearing was continued so additional information could be collected. Specifically, the Board requested that staff set up a neighborhood meeting with the applicant and affected property owners to go over potential compromises on the proposed location of the tower in relation to the site as well as the design, color of the tower and the size of the leased area. That meeting was held on August 9<sup>th</sup> with four of the affected property owners in attendance. At that time the specific concerns were addressed relating to the close proximity to the property lines, the height, the design, the color as well as the size of the leased area. At that meeting one of the affected property owners stated that they didn't really like the location on that specific parcel and would rather see it on a different parcel to the north which is owned by one of the affected property owners and they would rather see it on the back side of the lot rather than the current location which they can see from their front or side yard. The applicant was asked if they would be willing to move it to the back of one of the lots to the north but it sounds like they have reviewed the location and to move it to the back of the lot would cost more money for infrastructure and electricity to get there. At the meeting no compromise on that solution came forward although the applicant was willing to move the location of the tower to the south end of the property. There are two options that they proposed – option 1 would be a mono-pole design in the new location at the south end of the property and option 2 would be a mono-pine design which is designed to look like a pine tree. The applicant provided new site plans as well as some diagrams showing relation of the proposed site in relation to the affected property owner's house locations. The location that they chose to modify is farther away from any of the affected houses than the original location, they also proposed to decrease the size of the leased area from 60'x60' to 40'x60' feet. With that new location proposal the property owners were still in opposition to the location of it on that property but there was one affected property owner that stated they liked that option better than the initial location. As mentioned, option 2 is the mono-pine design which allows the developer to develop it as somewhat of a pine tree looking tower and the height of that tower is 100' which is different from their initial proposal of a 110' tower. They have also proposed to

plant several evergreen trees that would grow to be 40-50' tall. Staff is recommending that the Board consider the compromises as presented from the applicant, staff is recommending that the Board approve this appeal with the provided compromises as depicted in exhibit 22, option 2. Staff feels that the proposed mono-pine design may be less impactful for view purposes to surrounding property owners as well as Canyon County future land use map designated as commercial. As Hwy 44 potentially develops as commercial land uses it may fit better with commercial type land use. Staff has revised the proposed findings of fact and conclusions of law for those specific conditions. Commissioner Rule asked for clarification of the zoning of this area. Mr. McCormick said the Canyon County Future Land Use Plan designates it as commercial, however, the current zoning is agricultural. Andy Cockell offered testimony in favor of the appeal stating that he tried to present options to the neighbors that are in opposition with the biggest one being distance that was created by moving the site; they went from approximately 150' from the property to the west to almost 375' away from the property. The property to the north increased to 435' and the other going to almost 425'. In working with the property owner they found a more suitable location that still works to meet the setbacks of the code and tried to create more buffer between the property lines. In addition, they have proposed the mono-pine which will disguise the tower but still allow for multiple users on the structure. They are leaning towards the Ponderosa Pine to plant around the base, it grows from 60-100' tall and would be willing to plant more mature trees if requested. The goal is to screen the equipment area so it won't be visible from across the property. The trees will get to be 25-35' wide so they will cover almost all the facility at the ground and will eventually blend in with the tower. There is a lot that goes into selecting a location for a tower including finding a willing landlord and radio engineering that goes into the spacing between existing structures. Mr. Cockell said they meet all the conditions of the code for this type of facility under a conditional use permit. If you look at the comprehensive plan down the road for this area, it might still be somewhat rural but it's changing quickly, it's commercial and high density residential in the surrounding area so they feel this location will be a good fit in time to come as things develop. The following people offered testimony in opposition of the appeal: Richard Stuppy has concerns about the canal setback and that as new technology continues to come out and 5G comes down the transmission lines it would make the higher tower obsolete and he wonders if the county could have Mr. Cockell put up a bond so that if they go broke that at least the tower is taken down or that the 25 year contract that the person has signed is null and void when they go broke. How would that land owner recover his money and it would devalue his land at the same time. In most circumstances similar to this a bond is not required. Commissioner Rule asked if it was permissible. Zach Wesley said it may be permissible but is not sure how practical it would be as it could difficult to find someone to hold the bond in escrow for an indeterminate amount of time and it's difficult to predict costs at some point in the future. It may be easier to apply a condition that references the tower being removed if it's not in use for a certain period of time. Steve Givens said they are not unfamiliar with development but their concern is with the tower being right in front of their homes. Other towers he's seen on Maverick sites have been behind. He has met with Mr. Cockell and said that if he really needs to have it to put it out behind their places in the trees so they don't have to look at. He said that was unacceptable to Mr. Cockell even though the road and power goes most of the way out there. On the exhibit he pointed out several locations that he felt would be more suitable for the tower to be placed; a place with less homes and more open space. Kay Cherry stated

that the new proposals are better but on a scale of 100% it's really only 5% better. She said there are many reasons she still doesn't want it there including health reasons, property values and the enjoyment of their home. Bob Scarbrough referenced several letters that he has submitted to the county. He doesn't understand how a business can come into their neighborhood, talk someone into putting up a cell tower on their property and then put that cell tower up where they have all been living for 25 years. It's no profit for them, it's a profit for everybody else, the only ones losing value is the property owners and he just doesn't feel it's fair. He feels like the exhibits don't accurately show the distance the tower would be from his property; per his measurements, on the original plan it was 75' from his property, 125' from his barn and 150' from his house. Mr. McCormick reviewed exhibit 23 which shows the tower is approximately 375' from Mr. Scarbrough's house with the new location. Mr. Cockell offered rebuttal stating that in regards to the canal setback there is a setback of 25' from the top of the bank and under the second proposal they meet that setback. 5G technology will not replace the macros sites, which is what this tower is, it actually compliments them. He has been building these towers for 25 years and has never taken one down and doesn't anticipate any time in the future these towers coming down but he does have a provision in the lease agreement with the property owner that if the tower is out of use for 6 months that he has to remove it, additionally, he doesn't have an issue posting a bond if a way to do it can be worked out. In regards to Mr. Given's concerns about this being in his front yard, his property is almost 1150' from this proposed location and Mr. Cockell is not even sure if the tower will be visible from his property. Per Mr. Cockell, Mr. Given's has entertained putting this tower on the back of property where it would be visible and he'd receive compensation for the tower. He is aware of the proximity to Mr. Scarbrough's house, that is why they moved it to the south and his house does not face towards the tower, it is off to the side, and with the mono-pine design along with the trees around it will provide ample screening. Mr. Cockell understands everyone's concerns, there are a lot of moving parts in trying to locate these facilities. If he does have to move it again he will face opposition with the next group of people, it's very rare that he doesn't face opposition, but starting over now is really not an option, he's already done this twice. At the first hearing he was directed to find a suitable location with less opposition and he feels like he's accomplished that. Commissioner Dale stated that a letter was received from Greg Harris who is in support of this tower. Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Rule and carried unanimously. Commissioner White stated she believes there was a genuine effort made to find compromises and that there was progress made in regard to those compromises although she isn't sure it's exactly what the people want but in a situation like this that's going to be very difficult to obtain everybody to be happy but believes the applicant made a very good effort. Commissioner Rule spoke about a tower that is about 1000' from his home which he doesn't like and was upset when it was approved. He felt there were better places that it could have been located. He believes there are several other choices that may have been better for this particular tower instead of near a cluster of homes. He is not support of this and thinks that planning and zoning got this decision right in denying and supports that decision. Commissioner Dale said his house is located within 150' of a high-tension powerline and had concerns about it when he moved into the house several year ago, however, since that time he no longer notices them and believes that these sorts of things tend to just fade into the background after a while and you don't even notice them, that they become part of the infrastructure that is needed for society to move forward.

Commissioner Rule made a motion to deny the appeal. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the denial. Revised findings will be considered by the Board on August 21, 2018 at 9:00 a.m. The hearing concluded at 2:16 p.m. An audio recording is on file in the Commissioners' Office.

**AUGUST 2018 TERM**  
**CALDWELL, IDAHO AUGUST 16, 2018**

**PRESENT:** Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

**APPROVED PURCHASE ORDER**

The Board approved the following purchase order(s):

- Data Bank in the amount of \$47,532.57 for the Information Technology department
- Intermountain Wood in the amount of \$2688.25 for the Information Technology department
- Advanced Hardware Supply for the amount of \$1354.73 for the Information Technology department

**APPROVED CLAIMS ORDER NO. 8/24/18**

The Board of Commissioners approved payment of County claims in the amount of \$95,266.90, \$167,966.45, \$83,463.63 and \$44,277.43 for accounts payable.

**SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE**

The Board approved an Alcoholic Beverage License for JLC9 Inc. dba Idaho Pizza Company. See resolution no. 18-137.

**APPROVED JUNE 2018 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS**

The Minutes of the Fiscal Term of June 2018 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

## CONSIDER INDIGENT DECISIONS

The Board met today at 8:47 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Customer Service Specialist Robin Sneegas, Customer Service Specialist Amy Brown and Deputy Clerk Jenen Ross. The following cases meet the eligibility criteria for county assistance: 2018-1194, 2018-1162 and 2018-1192. Commissioner White made a motion to approve the cases as read into the record with written decisions within 30 days. The motion was seconded by Commissioner Rule and carried unanimously. The following case nos. do not meet the eligibility criteria for county assistance: 2018-1185, 2018-1164, 2018-1310, 2018-1296, 2018-1188, 2018-1330 (cremation), 2018-1176, 2018-1084, 2018-1189, 2018-1191 and 2018-1190. Commissioner Rule made a motion to issue written denials on the cases as read into the record. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office

## PUBLIC HEARING - CONSIDER A REQUEST BY TYLER HESS/HESS PROPERTIES, LLC FOR A PRELIMINARY PLAT, FINAL PLAT, AND IRRIGATION AND DRAINAGE PLAN, CASE NO. PH2017-75

The Board met today at 10:02 a.m. to go on the record to continue the hearing in the matter of a request by Tyler Hess/Hess Properties, LLC, for approval of a preliminary plat, final plat, and irrigation and drainage plan for Case No. PH2017-75. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Planner Kyle McCormick, and Deputy Clerk Monica Reeves. Mr. McCormick said they are still working on completing some of the improvements within the subdivision before the Board reviews the final plat. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to continue the hearing to September 17, 2018 at 1:30 pm. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

## AUGUST 2018 TERM CALDWELL, IDAHO AUGUST 17, 2018

**PRESENT:** Commissioner Tom Dale, Chairman – out of the office  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

## APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- United Micro LLC in the amount of \$2784.42 for the Indigent Services department

### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for The Club to be used 9/24/18 for a wedding.

### MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND CONSIDER SIGNING INDEPENDENT CONTRACTOR AGREEMENT WITH PRICE ASSOCIATES FOR LEADERSHIP DEVELOPMENT TRAINING

The Board met today at 9:35 a.m. for a legal staff update and to consider signing independent contractor agreement with Price Associates for leadership development training. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Deputy P.A. Dan Blocksom, HR Director Sue Baumgart left at 9:50 a.m. and Deputy Clerk Jenen Ross.

***Consider signing independent contractor agreement with Price Associates for leadership development training:*** Ms. Baumgart met with four different consultants and believes Mr. Price would be the best fit and offered the most for the cost. Mr. Price will conduct four ½ day trainings for DA's throughout the year. The cost is \$12,000 a year and Director Baumgart anticipates the trainings to start in October. Commissioner Rule made a motion to sign the independent contractor agreement with Price Associates for leadership development. The motion was seconded by Commissioner White and carried unanimously (see agreement no. 18-104).

### EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

*A request was made to go into Executive Session to discuss a personnel matter and records exempt from public. The Executive Session was held as follows:*

Commissioner Rule made a motion to go into Executive Session at 9:42 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Deputy P.A. Dan Blocksom, HR Director Sue Baumgart who left at 9:50 a.m. and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:07 a.m. with no decision being called for in open session.

### AUGUST 2018 TERM

CALDWELL, IDAHO AUGUST 20, 2018

**PRESENT:** Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

MEETING WITH PUBLIC DEFENDER TO CONSIDER SIGNING FY2019 INDIGENT DEFENSE GRANT AGREEMENT FORM

The Board met today at 9:32 a.m. for a meeting with the Public Defender to consider signing the FY2019 Indigent Defense Grant agreement form. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. This is the agreement for the FY2019 Indigent Defense Grant to be awarded. The agreement lines out the requirements of receiving the grant and the items the Public Defender has to be in compliance with, which they are on most things. The total amount to be received is \$479,943.03. Commissioner Rule made a motion to sign the FY2019 Indigent Defense Grant Agreement form. The motion was seconded by Commissioner White and carried unanimously (see agreement no. 18-105). The meeting concluded at 9:44 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH FLEET DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today 10:31 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following items: The auction of the used cars was successful and brought in about \$25,410. He presented a PO for an HVAC system for the CIT trailer. The order cutoff date for the utility vehicles is September 21<sup>st</sup> with delivery in January. Director Tolman feels it would be wise to get the order in by the deadline if we want any 2019 vehicles and his understanding is that this would be okay if the order is placed after the budget has been finalized and delivery wasn't taken until January. The issue at hand is that there are only two build dates for the 2019 style vehicle and Ford will be changing the design for 2020. With the new design they won't be able to be ordered until July and will be more expensive. Commissioner Rule said he understands what Director Tolman is saying and agrees with his point but can't authorize spending before the budget is complete. He suggested getting everything in order and be prepared as soon as the budget is approved. The meeting concluded at 10:40 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 21, 2018

PRESENT: Commissioner Tom Dale, Chairman

Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- HP, Inc. in the amount of \$3186.63 for the Information Technology department
- Amazon in the amount of \$2740.99 for the Information Technology department
- Norbryhn Equipment Co. in the amount of \$3987.00 for the Fleet department

APPROVED CLAIMS ORDER NO. 8/24/18

The Board of Commissioners approved payment of County claims in the amount of \$70,651.76, \$34,771.96, \$53,381.23, \$47,786.18, \$122,043.58, \$35,255.08 and \$37.81 for accounts payable.

MEETING WITH DIRECTORS OF FACILITIES AND INFORMATION TECHNOLOGY TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 8:33 a.m. for a meeting with the Directors of Facilities and Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Facilities Director Paul Navarro, IT Director Greg Rast, Assistant IT Director Eric Jensen and Deputy Clerk Jenen Ross. Director Rast updated the Board on the following items: His department had two vacant positions, one for a System Administrator and another for an Imaging Specialist, they will be sending an offer today for the imaging specialist position. This individual will be focusing on the offsite storage files as well as indexing. He is hoping to schedule time with the Board to review projects that have been closed. They are working on a queuing project for the Clerk's office for those paying traffic fines in the civil and criminal side. The vendor being worked with for the storage has sent a proof of concept demo unit. This is a rack that goes in the data center and will be tested for 30 days. An application is being written for the Sheriff's Office to extract information from Spillman so that reports can be viewed on the employee portal. Once proof of concept is good they will move it to the public side, with slightly less detailed information, so that the public can view numbers of the jail population. Director Navarro updated the Board on the following items: The courthouse painting will be completed on Thursday; the budgeted number for this project was \$500K but to date only \$60K has been spent. The landfill addition is complete and the contractor is finishing up the painting of the outside. The facilities staff will paint the inside along with finish the electrical and mechanical. Well drilling is complete at Celebration Park and they anticipate the pumping

and testing to be done by the end of the month. The Assessor's Office has requested a dealer center at DMV; this would be a sectioned off area specifically for auto dealers to be able to process titles. According to Director Navarro funds are available in this fiscal year for this project so they will work to get it complete by September 30<sup>th</sup>. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

#### LEGAL STAFF UPDATE AND CONSIDER AGENDA ITEMS

The Board met today at 9:01 a.m. for a legal staff update and to consider agenda items. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Lt. Ben Keyes left at 9:03 a.m., Chief Deputy Sheriff Marv Dashiell, Jail Captain Daren Ward left at 9:10 a.m. and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Consider signing Boating Safety Grant request for funds:*** Lt. Keyes said this was a grant that was applied for in January in which \$36,187.00 was awarded. County funds were used to hire two part-time marine deputies, so this is to request reimbursement from the state. The matched county portion of the grant is \$18,094.00. Controller Zach Wagoner has reviewed the financials. Commissioner White made a motion to sign the Boating Safety Grant request for funds. The motion was seconded by Commissioner Rule and carried unanimously (see agreement no. 18-106).

***Consider signing FY2019 Canyon County and Norman Family Trust lease agreement:*** Sam Laugheed said this is an annual agreement the County, on advice from the Sheriff's Office that has been in effect since 2007. The cost is \$2700/month with \$0 additional this year; all terms have remained the same as previous years. Chief Dashiell said this is for the building on Chicago St. that is used for task force operations and shared with the FBI. The County is reimbursed \$1500 monthly from the FBI for the shared use. Commissioner Dale asked if the County had ever considered purchase of this building. Mr. Laugheed said he's engaged in these conversations to no avail. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the FY2019 Canyon County and Norman Family Trust lease agreement (see agreement no. 18-107).

***Consider signing Canyon County x-ray service agreement with Bedside X-Ray:*** Mike Porter said this is a renewal of an agreement that is already in place for x-ray service of jail inmates. Captain Ward said this services is utilized multiple times per week. Commissioner White made a motion to sign the Canyon County x-ray service agreement with Bedside X-Ray. The motion was seconded by Commissioner Rule and carried unanimously (see agreement no. 18-108).

***Consider signing Canyon County psychiatric services agreements with Coire Weathers and Ninon Germain:*** Zach Wesley said these contracts are renewals for FY2019. The services are provided to patients on involuntary hold at St. Alphonsus. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to sign Canyon County psychiatric services agreements with Coire Weathers (see agreement no. 18-110) and Ninon Germain (see agreement no. 18-109).

The meeting concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IC 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS: DEPARTMENT ADMINISTRATOR PERFORMANCE SURVEYS

*A request was made to go into Executive Session to discuss personnel issues related to specific employees and related documents. The Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 9:33 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Juvenile Detention Steve Jett and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:54 a.m. with no decision being called for in open session.

EXECUTIVE SESSION PURSUANT TO IC 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS: DEPARTMENT ADMINISTRATOR PERFORMANCE SURVEYS

*A request was made to go into Executive Session to discuss personnel issues related to specific employees and related documents. The Executive Session was held as follows:*

Commissioner Rule made a motion to go into Executive Session at 10:04 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of Misdemeanor Probation Jeff Breach and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:16 a.m. with no decision being called for in open session.

CONSIDER SIGNING THE REVISED FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL AND ORDER FOR MAVERICK TOWERS' APPEAL FOR A C.U.P

The Board met today at 10:30 a.m. to consider signing the revised Findings of Fact, Conclusions of Law, Conditions of Approval, and Order in the matter of Maverick Towers' appeal for a conditional use permit. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Director Tricia Nilsson, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to uphold the P&Z Commission's decision to deny the

appeal by Maverick Towers. The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - CONSIDER A REQUEST BY DANA MARTENES FOR A REZONE, CASE NO. PH2018-25

The Board met today at 11:00 a.m. to conduct a public hearing to consider a request by Dana Martenes for a rezone, Case No. PH2018-25. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Director Tricia Nilsson, DSD Planner Kyle McCormick, Dana Martenes, Linda Martenes, and Deputy Clerk Monica Reeves. Kyle McCormick gave the oral staff report. The applicant, Dana Martenes, is requesting a rezone of the one-acre portion of Parcel R33948010 from "A" (Agricultural) to "C-1" (Neighborhood Commercial). The subject parcel is located at 22615 Lansing Lane, Middleton. On May 17, 2018 the P&Z Commission recommended denial of the rezone request. The subject parcel has a dwelling and accessory structures that were constructed on the property at some point between 1980 and 1995. On January 26, 2018 a notice of violation was sent to the property owner regarding the use of two existing accessory structures on the north side of the parcel for having an outdoor equipment rental business. The applicant is requesting the rezone to encompass those two buildings on the north side of the parcel to neighborhood commercial which allows for outdoor equipment rental businesses in order to abate the violation and keep the business on site. The Canyon County Future Land Use Map designates this parcel as commercial. It is located within the City of Middleton's impact area and the city designates it as a residential special area. The city has no objection to the rezone request. It is located within an A-E Flood Zone. Existing accessory structures were approved prior to the parcel being in the flood plan, therefore, the structures are not required to meet flood plain standards unless they have significant improvements. The majority of the surrounding area is zoned agricultural as well as neighborhood commercial. It is surrounded by residential subdivisions, however, properties along Highway 44 directly to the east are currently zoned neighborhood. Dennis Lapham spoke in opposition at the P&Z Commission hearing with concerns regarding traffic, noise and environmental concerns from storing equipment on site as well as dust. The applicant stated they will mitigate this by putting down something to control the dust as recommended by the highway district. According to Mr. McCormick, the P&Z Commission based its denial on the findings of fact that the proposed request is not more appropriate than the current zoning designation and also that it's not compatible with the surrounding land uses, specifically, that although the future land use map designates the subject property as commercial, the P&Z Commission finds that the requested rezone is inappropriate at this time and that the property is prime farm ground and sufficient evidence was not provided by the applicant to suggest that the parcel no longer supports an agricultural use. Staff has found that only one acre of the 6.37 acres is proposed to be zoned commercial for their outdoor equipment rental, that portion of the property is currently not in farm production and it's already adjacent on the east to other properties with a C-1 zoning designation and it is consistent with the Canyon County Future Land Use Plan and the Comprehensive plan for that area. Within the past five years the Board of Commissioners approved a rezone request from agricultural to neighborhood commercial within a mile of the subject property. Staff recommends approval of the request. Commissioner Rule referenced the businesses in the

area which include a landscape business, an RV storage facility and a gun business. He said it makes no sense that the P&Z Commission would deny the request when there are so many existing businesses out there. He would like to meet with the P&Z Commission to talk about commercial zoning on Highway 44 because he doesn't believe they have the right vision for that area. Commissioner Dale agrees with Commissioner Rule's points and said he believes six acres is too small to be considered prime farm ground. Director Nilsson noted that there is commercial zoning along both sides of Highway 44 in the vicinity of the subject property. Dana Martenes testified in favor of the request. A portion of her property is used for hay production and another portion has been in dirt and they've kept horses on it. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to close the public hearing. Commissioner Rule disagrees with the P&Z Commission on this case noting that he lives in the area and has seen the changes that have taken place. He then made a motion to approve the Case No. PH2018-25. The motion was seconded by Commissioner White. Commissioner Dale said it's an appropriate use of this land and Highway 44 is a commercial corridor that will see more of this type of development so he's supportive of the motion. The motion carried unanimously. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to sign the ordinance directing amendments to the county zoning map to change the zoning of Parcel No. R33948010 from "A" (Agricultural) to "C-1" Neighborhood Commercial. (See Ordinance No. 18-023.) The meeting concluded at 11:15 a.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2018 TERM

CALDWELL, IDAHO AUGUST 22, 2018

PRESENT: Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Amazon in the amount of \$2996.99 for the Information Technology department

#### LEGAL STAFF UPDATE AND MEETING TO REVIEW PUBLIC COMMENT ON DECLARATION OF SOLE SOURCE PROCUREMENT TEMPORARY JAIL SYSTEM AND CONSIDER SIGNING SOLE SOURCE LEASE/PURCHASE AGREEMENT WITH ALL DETAINMENT SOLUTIONS FOR TEMPORARY JAIL SYSTEM

The Board met today at 9:03 a.m. for a legal staff update and to review public comment on the declaration of sole source procurement regarding the temporary jail system and to consider signing sole source lease/purchase agreement with All Detainment Solutions for a

temporary jail system. Present were: Commissioners Tom Dale, Pam White, Commissioner Rule arrived at 9:04 a.m., Clerk Chris Yamamoto left at 9:14 a.m., Controller Zach Wagoner left at 9:14 a.m., Chief Deputy Sheriff Marv Dashiell left at 9:14 a.m., Jail Captain Daren Ward left at 9:14 a.m., Chief Deputy P.A. Sam Laugheed left at 9:17 a.m., Deputy P.A. Brad Goodsell left at 9:17 a.m., PIO Joe Decker left at 9:14 a.m., Nicole Foy with the Idaho Press arrived at 9:04 a.m. and left at 9:14 a.m. and Deputy Clerk Jenen Ross. A preliminary declaration of intent on sole source procurement was issued July 17, 2018 and public comment was received on July 31, 2018. A second declaration was published on August 8, 2018 with written comment being due yesterday. To Mr. Laugheed's knowledge the county received one written comment from the Idaho Freedom Foundation that addressed some business and policy reasons why they feel sole source would be inappropriate and public comment has been taken on the record with at least one interested citizen speaking about sole source in particular. Some email correspondence has been received regarding potential vendors and a voicemail was received this morning from a local vendor (Rule Steel) but so far that is all the process that has happened. Mr. Laugheed said the Board is in a position to make the decision but legal is requesting that the decision be continued as is will happen at the same time that consideration of the sole source lease/purchase agreement with All Detainment Solutions happens. The Sheriff's Office and the Clerk's Office have reviewed the contract and are comfortable with the terms that have been proposed, Mr. Laugheed has a conference call with their attorneys to finalize the negotiation which is why he's requested this meeting be continued to a later date because he was not able to get the contract in front of the Board today but no due process rights are being compromised by a continuance. Commissioner White made a motion to continue the meeting to review public comment on declaration of sole source procurement temporary jail system and consider signing sole source lease/purchase agreement with All Detainment Solutions for temporary jail system to August 27, 2018 at 2:30 p.m. The motion was seconded by Commissioner Rule. After the motion a discussion was had regarding the ability for other vendors to submit information. Commissioner Rule asked if there was a local company could they be considered to fabricate and install these types of units. Mr. Laugheed said it's absolutely a consideration that the Board should include in its evaluation of the sole source ability. He clarified that the sole source legal status doesn't require there to be only one actual vendor and it doesn't require local businesses be involved but those are considerations that go into a final decision. Commissioner Rule does not want to move this process forward if it would prevent a local vendor from fabricating these units in Canyon County. Mr. Laugheed referenced the comments received from the Freedom Foundation where a number of comments were made about the potential sole source, not addressing the legality of it but more the underlying business decision about what other options could exist and how innovation could be encouraged. He said that the goal of the Prosecuting Attorney's Office is to make sure that the Board is in a position to make a lawful decision one way or the other. Sole source isn't legally the only procurement available for this but under the circumstances, depending on the Board's priorities it's one that fits right now and that's a decision to be made, all the information that's been received is valid and should be considered. Mr. Laugheed said that today's action would not prevent another vendor from submitting information but that the Board would be under no legal obligation to accept it. However, if the Board were to accept it then that would change the sole source dynamic and formally considering anything would require additional process. Commissioner Dale feels that by continuing this meeting to the

27<sup>th</sup> it would potentially give Rule Steel an opportunity to demonstrate that they have experience with not only stainless steel but with fabricating this type of facility and all that it includes like an HVAC system among other things. Mr. Laugheed said the Board is under no legal obligation to accept additional submissions or to take legal action on them. Once a contract is in front of the Board the legal requirements of sole source have been met and the Board is positioned to make a lawful decision. He explained that the county has published notice of intent to contract by sole source procurement for the reasons that there is an ongoing detriment to the public welfare caused by the need for additional constitutionally sufficient housing and/or because additional competitive solicitation would be impractical, disadvantages or unreasonable under the circumstances. Mr. Laugheed believes the Board is in a position to make that decision on Monday and that decision isn't being made today, it's just to continue it to Monday. But on Monday, that is the question that will be presented to the board regardless of what information comes in between now and then and any concerns of local perception can be addressed on Monday. The record was noted that Commissioner Rule doesn't have any financial involvement with Rule Steel and there's no prohibition on him participating in the discussion. A vote was taken on the motion with Commissioners Dale and White voting in favor and Commissioner Rule voting against. The motion carried in a 2-to-1 split vote.

Brad Goodsell advised the Board that a new employee sheet will be coming before them for the caretaker position at the landfill, there will also be an employee agreement that comes along with it. The agreement is intended to memorialize the services that are provided in exchange for the housing. Under federal law if you have one of these agreements it protects you from other wage issues that might come up so it's simply a ministerial matter. It's an agreement between the county and the employee with regard to the house that's being provided to them.

The meeting concluded at 9:17 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH DEVELOPMENT SERVICES DEPARTMENT TO CONSIDER APPROVAL/DENIAL OF REFUND REQUESTS

The Board met at 9:17 a.m. today with the Development Services Department to consider approval/denial of two refund requests. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Planner Jennifer Almeida and Deputy Clerk Jenen Ross. The refund requests were considered as follows:

***Consider approval/denial of a resolution for a refund request for an administrative decision to Danny Baez; Case No. AD2018-0085:*** This was an application made for a somewhat public use wedding venue for a couple events in August but after notice was provided to some of the agencies there was considerable push back from the City of Caldwell and the Caldwell Fire Department about the structure so the applicant chose to withdraw their request. Minimal work was done by staff and they are requesting \$550.00 be refunded

to the applicant. Commissioner White made a motion to issue the refund. The motion was seconded by Commissioner Rule and carried unanimously (see resolution no. 18-139).

***Consider approval/denial of a resolution for a refund request for a rezone permit to Ryan Durrant; Case No. RZ2018-0015:*** After the initial property research it was determined that platting would be required if the rezone was approved but after the applicant spoke with a couple of engineers and surveyors he chose not to move forward. There was minimal work done by DSD staff and they are requesting an \$850.00 refund be issued for the application fee. Commissioner Rule made a motion to issue the refund. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 18-138).

The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

### FISCAL YEAR 2019 BUDGET HEARING

The Board met today at 5:00 p.m. to conduct a continuation of the fiscal year 2019 budget hearing as well as a hearing pursuant to Idaho Code 63-802(1)(e) to consider budgeting foregone increase and to consider certification by resolution of any budgeted foregone increase. Upon completion of the hearing the Board will review and possibly approve the FY2019 budget and dollar certifications of budget request forms. The hearing was held in the public meeting room of the Administration Building located at 111 11<sup>th</sup> Avenue North in Caldwell. Tonight's hearing was continued from August 8, 2018 in order for the Board to review and analyze the alternative budget information that was presented that evening. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, Finance Manager David Ivers, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, Facilities Director Paul Navarro, Chief Probation Officer Elda Catalano, Weed Control Superintendent AJ Mondor, PIO Joe Decker, Public Defender Aaron Bazzoli, DSD Director Tricia Nilsson, IT Director Greg Rast, Assistant IT Director Eric Jensen, Landfill Director David Loper, Juvenile Detention Director Steve Jett, Sean Brown, Ambulance Director Michael Stowell, Director of Court Operations Denise Kennel, Steve Onofrei, Fleet Director Mark Tolman, Director of Misdemeanor Probation Jeff Breach, Public Defender Aaron Bazzoli, HR Director Sue Baumgart, Camille Tilden, ElJay Waite, Kathy Alder, Hubert Osborne, Paul Raymond, Steve White, Nicole Foy from the Idaho Press-Tribune, and other interested citizens, and Deputy Clerk Monica Reeves.

Clerk Yamamoto reviewed Idaho Code Section 31-1602 regarding the duties of the budget officer and spoke about how his office compiles and prepares preliminary budgets. After the budget is passed he and the Controller watch for expenditures and revenues to ensure we remain within the budget and see if their projections are tracking. The County does not have a use it or lose it system, directors know they can properly vet a project and not be forced to make last minute bad decisions. How they have operated and managed in the past gives good intuitive knowledge of what to predict for the next fiscal year. He said they take what is required to maintain mandated services and that is why \$67M in property taxes have been

left in property owners' pockets the last 10 years, and over \$63M of that since he's been in office. When he first took office he noticed that 10% of the budget was funded with fund balance which he thought was crazy, but what he didn't know at the time was that that 10% was seldom ever spent, most departments expend their entire "A" budgets due to employee turnover and unfilled positions. Another area of utilizing fund balance to balance the budget was multiple contingency line items that we hoped would never materialize and usually they did not. Balancing the budget with fund balance under normal spending patterns leaves money in your pocket, and not requesting what we could take leaves money in your pocket. \$67M left in the local economy rolled over eight times; 10% not funded with any revenue and it was not spent, but that phase is over. Due to employee retention we are eating that 10% in a big hurry and we are in a super inflationary period.

Controller Wagoner spoke about the importance of fund balance, which is the amount by which assets exceed liabilities. It equals financial freedom and gives the ability to plan for the future and respond appropriately to any emergent type situations. It is imperative that the County maintains a healthy level of fund balance so we can continue to provide services and protect our financial position and our credit rating, potentially. It's important that we have the appropriate amount of fund balance. We strive for roughly 33% of annual expenditures. In the past we have spent down fund balances when the circumstances called for it. He referred to a chart showing our governmental funds fund balances from FY2014 to FY2017. In FY2014 our governmental fund balances were \$36M but they felt like that number was on the high side so they implemented a plan to spend down those fund balances, and over the course of the year fund balances decreased by \$5M down to \$31M. Those fund balances were invested in capital projects; buildings were constructed, remodeling was done and by doing so we were able to take advantage of affordable prices save taxpayers millions of dollars. From FY2015 to FY2016 our fund balances decreased by roughly \$1M and from FY2016 to FY2017 our fund balances have decreased down to \$29M for our governmental funds. We understand the concept of utilizing fund balance when it's appropriate. Not only does it leave money in taxpayers' pockets that they can spend but it allows us to take advantage of opportunities in the market place at an affordable price. They have successfully managed fund balances and they strive to maintain an appropriate level of fund balance. Each fund needs to be thoroughly analyzed and managed on a fund-by-fund basis.

Clerk Yamamoto and Controller Wagoner spoke about the alternative budget that was presented. The document titled Canyon County 2019 Tentative Budget Suggested Revision was presented on August 8, 2018 by Leslie Van Beek and it included a projection for FY2018 expenditures of \$80,940,231. That would represent being under budget by 9%. Controller Wagoner believes that number is \$2M-\$3M on the low side. County expenditures have increased significantly year over year and if we look at the timeframe of October through July 2017, on page 3 of the handout, compared to October through July of 2018, overall County actual expenditures have increased over \$5M and that increase equals 8.6%. We are experiencing inflation, an increased retention in employees and that's resulting in increased expenditures. For the first 10 months of the year, the year over year increase is over \$5M. Page 4 provides more detail regarding those increases. Our salaries and benefits expenditures are up \$3M, that's a 7% increase and our other operating expenditures increase is \$2M or 13%. He took that information and projected that out for the remaining

two months of the fiscal year. One approach would be to look at the 2017 expenditures of \$77M, add 8.6% to that, that'd be \$6.6M that would result in a total 2018 expenditure amount of \$83.7M. Another approach would be to take what's been spent through July of FY2018, take a look at what was spent the last two months of FY2017, which was a little over \$17M, add 8.6% to that for a projected expenditure for August through September of 2018 of \$18.6M for a total 2018 projected expenditures of \$83.7M. They also took a third approach and looked at splitting the salaries and benefits and our other operating expenditures. The salaries and benefits year over year increase is 7%; last year the total salaries and benefits expenditures were \$56M, add 7% to that and we end up \$60M for 2018 projected salaries and benefits expenditures. Our other operating expenditures last year were \$20.8M. Those have increased year over year by 13%. If we add 13% that brings us to a \$23.6M projection for B budget expenditures for 2018. Total expenditures using that approach projected is \$83.7M. This is the approach we use to project the last two months of the fiscal year. Controller Wagoner said they take this responsibility very seriously and they rely on communication and interaction with elected officials and department heads. It's important to remember that the County uses accrual based accounting for our fiscal year end activities. If we receive an invoice in October for work that was performed in September that expenditure will be backdated to September FY2018. We also have a payroll that runs October 12, and 50% of that payroll was earned or accrued in the prior fiscal year so 50% of that payroll is backdated to September. Because of accrual based accounting we will show a significant amount of expenditures during the month of September. We also have a \$275,000 BearCat on order that will be here before September 30 that was included in the FY2018 budget, it still needs to be paid for with FY2018 funds.

Clerk Yamamoto said during the time from the last budget hearing to tonight's budget hearing a half a dozen letters were received regarding property taxes. He read a letter from a citizen whose point was that new growth should create enough additional revenue by itself to cover an increase in the budget for the County without raising taxes on people who already own their property. This person asked the Board to not increase the mil levy at such a rate to increase the tax burden on people who had acquired their property before 2018. The Clerk said he agrees with most of the points addressed in the letter but said we won't be able to address what this person is talking about in his letter until we have equitable impact fees. Growth does not pay for itself. He and the Controller reviewed tax bills to show what "real life taxes are doing and the differentials between the County, the cities, school districts and to show what urban renewal does. Controller Wagoner reviewed a property tax bill noting the amounts the taxing districts received on this particular bill for a residential property within the City of Caldwell (which was Clerk Yamamoto's tax bill): the city gets 47%, the school district gets 21%, and the County gets 21%. There is also a property within the City of Caldwell that's in the urban renewal area and on that property the total property tax bill is a little over \$3,000 and the division is as follows: 61 cents goes to the ambulance district, 46 cents to the mosquito abatement district, \$34 to the City of Caldwell, \$4 to the highway district, \$483 to the school district, 42 cents to the College of Western Idaho, \$14 to the County and over \$2,400 to the urban renewal agency. Clerk Yamamoto said the point about an urban renewal district is that everyone, including people out in Melba, make up the difference with the urban renewal money. The next tax bill reviewed was for a Nampa residential property tax bill totaling just \$1,600. \$19 goes to the ambulance district, \$15 to

the mosquito abatement district, \$763 to the City of Nampa, \$101 to the highway district, \$401 to the Nampa School District, \$13 to the College of Western Idaho, and \$372 to Canyon County.

Clerk Yamamoto said the alternate budget proposal suggested we use fund balance and wait and see what happens, but he finds that financially irresponsible and reckless, but he thought there has to be more to this than just burn fund balance. The payment on the administration building is around \$1M and the latest take urban renewal had from the County was \$1.9M. Four years ago it started at \$1.5M and it's been ratcheting up since then. His job is to protect the taxpayer and properly fund and maintain the statutorily mandated services, and hire, train and promulgate happy employees because they provide the most accurate, efficient services possible. Our financial record is impeccable and our outside auditor will agree. It is incumbent upon his office to maintain the County's financial wellbeing today and into the future and he's done that and if the day comes when he needs help he will seek it.

Commissioner White spoke about how the County budget has to cover pass through costs from the state as well as the rise in medical indigency and indigent public defense costs and she is frustrated by the lack of progress that's been made on finding a solution for the jail problem because we are facing serious liability issues on that front. She will support the budget as presented and the use of forgone as requested to take care of the emergent need, the liability and the public safety issue. Commissioner Dale said he believes in conservative fiscal policy, but that does not mean pushing off needs to somebody else to take care of. The ideas in the proposed alternative budget agreed with the expenditures and \$95M was deemed to be appropriate to answer the needs of the County and he agrees with that analysis. This budget takes care of a lot of ongoing needs and future needs, and he believes we are doing what we need to do to keep the County on a proper course toward achieving its goals. The biggest challenge we face is how to pay for a jail. We need an appropriately-sized jail and we have the study that shows what we need and we are setting ourselves up to move forward with that and he looks forward to coming up with a solution in the coming weeks and months. He spent the last two weeks evaluating the alternative budget ideas that were presented and he said there are differences of opinion on the methodology used to arrive at some of the figures in the spreadsheet but the bottom line is the same. One of the main differences comes down to where to place the \$2.3M that's been identified to facilitate the placement of temporary modular jail pods for female housing. Depending on which fiscal principal a person chooses to follow, either pulling the funds from forgone or pulling them from fund balance could be considered appropriate. Both ideas have value. One of the things we heard repeated in letters was the phrase to "*Take a measured approach*". That's good advice. Every elected official and department head is responsible for evaluating the needs they anticipate for the coming year as well as future needs. They then put a dollar figure on those and measure the costs against available revenue. The Clerk's and Controller's job is to take those needs and numbers and measure them against the available revenue and present to the Board a balanced proposed budget and they have done that. He is grateful to ElJay Waite and Leslie Van Beek for working hard to bring different ideas to our attention, and he appreciates tonight's presentation to educate and inform why the budget is proposed as it is. Regarding the use of forgone, it's been mentioned that taking forgone reclaims money that was not take in previous years, but that's not accurate. Using forgone does not reclaim

money from previous years. During those previous years decisions were made based on the need at the time and it was determined those funds were not needed for the upcoming years projected services. Using forgone simply allows the jurisdiction to increase the budget beyond the normal 3% as the need arises. When considering whether to allocate the \$2.3M for the temporary female inmate housing to forgone he went through an exercise to understand what it would mean. Take the County's total taxable value of \$13 billion, if you plug in the anticipated levy rate for next year and use that \$2.3M what you come up with is \$17.92 for every \$100,000 of taxable value. That's a pretty nominal figure and personally he thinks it is \$1.50 per month to help improve the public safety by providing a sustainable revenue stream for the 122 additional beds to help alleviate the jail overcrowding. He believes the use of forgone in this case is appropriate. Commissioner Rule said he looked forward to a sincere effort at considering this revised budget and he was hoping for compromise and some property tax relief but instead, two Commissioners are lining up to increase property taxes. Commissioner Dale said the Clerk and Controller have established a good track record advocating and exploring options for the taxpayer and this budget takes care of the County's most valuable assets: our employees. We have seen a radical decrease in turnover rates, our retention is much improved and while that does cut into the amount of money that is leftover it does create value for the customers because that experience and those quality employees are staying with us longer. The budget addresses a temporary solution for a crisis that we experienced in our jail and it meets the growing demands over which we have no control in indigent public defense and indigent medical services. It works to ensure continued quality of service to citizens and we are going to see a drop in the levy rate this year. Commissioner Rule said the Canyon County employees are not the County's most valuable resource – it's the taxpayer because without the taxpayer none of us would be here. Commissioner White made a motion to sign the resolution to adopt the FY2019 expenditure budget for Canyon County in the amount of \$95,240,703, a FY2019 expenditure budget for the Canyon County Pest Control District in the amount of \$310,066, and a FY2019 expenditure budget for the Melba Gopher District in the amount of \$12,000. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioner Rule voting against the motion and Commissioners White and Dale voting in favor; the motion carried by a two-to-one split vote. (See Resolution No. 18-140.) Commissioner White made a motion to sign the resolution which states: As publicly noticed, and pursuant to Idaho Code Section 63-802(1)(e) Canyon County's fiscal year 2019 property tax levy of \$52,191,430 includes \$2,322,763 of available property tax increases forgone in prior years. The previously forgone property tax amount is necessary to address urgent and critical needs in the area of jail overcrowding including the prospect of an on-campus 122 bed temporary modular housing facility. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioner Rule voting against the motion and Commissioners White and Dale voting in favor; the motion carried by a two-to-one split vote. (See Resolution No. 18-141. The hearing concluded at 6:09 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 23, 2018

PRESENT: Commissioner Tom Dale, Chairman – out of the office  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Georgina Cuevaz-Carillo.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for O’Michael’s Pub & Grill to be used 9/1/18 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for O’Michael’s Pub & Grill to be used 9/28/18 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for O’Michael’s Pub & Grill to be used 9/29/18 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Williamson Vineyards to be used 9/9/18 for a harvest festival.

No meetings were conducted.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 24, 2018

PRESENT: Commissioner Tom Dale, Chairman – out of the office  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

No meetings were conducted.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 27, 2018

PRESENT: Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Mountain Home Auto Ranch in the amount of \$277,592.00 for the Fleet department/Sheriff's Office

APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Paula Davis. In addition to the salary rate request form an employee agreement regarding employer-provided housing was signed by the Board as a ministerial item (see agreement no. 18-111).

LEGAL STAFF UPDATE AND CONSIDER AGENDA ITEMS

The Board met today at 9:03 a.m. for a legal staff update and to consider agenda items. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Hearing Manager Kellie George left at 9:07 a.m., Director of Indigent Services Yvonne Baker left at 9:07 a.m., Director of DSD Tricia Nilsson left at 9:13 a.m., Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Meeting with Indigent staff to consider signing indigent continuances:***

Kellie George said the following cases were vacated on August 23, 2018 and require the following action:

In regards to case nos. 2018-664, 2018-900, 2018-929, 2018-898, 2018-792 and 2018-851 Commissioner White made a motion to continue the cases as read into the record to September 20, 2018. The motion was seconded by Commissioner Rule and carried unanimously.

Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to continue case nos. 2018-848, 2018-901, 2018-640, 2018-899 and 2018-834 to October 18, 2018.

Commissioner White made a motion to issue a denial with written decision within 30 days on case no. 2018-1053. The motion was seconded by Commissioner Rule and carried unanimously.

Case no. 2018-716 now meets all eligibility criteria for county assistance and upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to issue a final approval within 30 days.

***Consider signing resolution appointing DeAngelo Enrico as Wilder School District Zone V Trustee:*** Commissioner Dale explained there was letter received from the superintendent for the Wilder School District stating that it is the Board's responsibility to appoint a trustee if the school board doesn't take action within 120 days in cases of a vacancy. As requested, the school board sent a letter recommending DeAngelo Enrico to complete the term of the Zone V trustee. Commissioner Rule made a motion to sign the resolution appointing DeAngelo Enrico as the Wilder School District Zone V Trustee. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 18-142).

***Consider signing request for proposals for a comprehensive plan consultant and legal notice:*** Zach Wesley said this is the regular RFP process. Notice will be distributed per the list provided by Director Nilsson, published in the Idaho Press newspaper and posted on the county website. The RFP is looking for a consultant to help with future amendments to the comprehensive plan. Director Nilsson said the bulk of the work will be to look for people to help with the public involvement. This project will happen in FY2019. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the RFP for a comprehensive plan consultant and legal notice.

***Consider signing 2018 Byrne Justice Assistance Grant (JAG) program memorandum of understanding between the City of Nampa, City of Caldwell, and Canyon County:*** This is a renewal from previous years money that goes to CCSO and is shared with Nampa and Caldwell PD. Nampa is the recipient of the largest sum this year but CCSO is anticipated to receive \$15,557 this year. Commissioner Rule made a motion to sign the 2018 Byrne Justice Assistance Grant (JAG) program memorandum of understanding between the City of Nampa, City of Caldwell and Canyon County. The motion was seconded by Commissioner White and carried unanimously (see agreement no. 18-112).

***Consider signing legal notice for entering into personal service agreements:*** This notice for several contracts that have already been entered into that exceed the \$10,000 amount laid out by statute that requires a notice to be published. The contracts are the 2018 telepsych services for the jail, the 2019 tele-psych services for the jail, leadership development training and psych services. Commissioner White made a motion to sign the legal notice for entering into personal service agreements. The motion was seconded by Commissioner Rule and carried unanimously.

Sam Laugheed asked the Board if they had any legal questions pertaining to the meetings scheduled for later today. Commissioner Dale asked if during the 1:30 p.m. meeting if they could go into executive session if need be. Mr. Laugheed said if there were issues related to

named employees it would be appropriate to enter into an executive session. Commissioner Rule and Commissioner White did not feel that they needed any additional legal counsel at this time. The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

#### FILE IN MINUTES

The Board filed the Treasurer's monthly report for July 2018 in today's minutes.

#### MEETING TO DISCUSS SUPERVISION OF THE JUDICIAL MAGISTRATE SECRETARIES AND POTENTIAL ACTION ITEM TO CONSIDER AUTHORIZING CHANGES TO MAGISTRATE SECRETARY JOB DESCRIPTIONS - CLERK OF THE COURT SUPERVISION ALTERNATIVE

The Board met today at 1:33 p.m. for a meeting to discuss supervision of the judicial magistrate secretaries and potential action item to consider authorizing changes to magistrate secretary job descriptions - Clerk of the Court supervision alternative. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto, TCA Doug Tyler, Judge Susan Wiebe, HR Director Sue Baumgart, Prosecutor Bryan Taylor, Deputy P.A. Mike Porter, Assistant Trial Court Administrator Benita Miller left at 2:00 p.m., Director of Court Operations Denise Kennel, Controller Zach Wagoner, Court Operations Manager Kandice Taylor and Deputy Clerk Jenen Ross. Clerk Yamamoto said that this system was a pilot/trial program done at the Juvenile Detention Center (JJC) as all the secretaries over there are all deputy clerks. He feels that this change could enhance efficiencies, create better communication and have a smoother system and that some situations could be avoided if there was more centralized control. Commissioner Dale asked that when new personnel is hired if one of the judges from the magistrate pool would be involved in that process, the Clerk said that request could be accommodated. Director Baumgart said that there really aren't too many differences in the job descriptions, that the duties appear to be pretty similar and she doesn't believe it would make a huge difference in turning this one over to the Court Clerk in terms of job responsibilities. Commissioner White confirmed with Director Baumgart that currently the judges are the direct supervisors of the secretaries and it would remain the same if this change were to occur. Clerk Yamamoto said this all goes to the efficiencies in that if one of the three magistrate secretaries are out another deputy clerk would be able to help fill in. Judge Wiebe doesn't believe there will be more efficiencies under the Clerk because they are really specialized positions. She acknowledged on the job descriptions the positions do appear to be similar but their functions are completely different - a magistrate secretary works as a liaison between the judge and everyone calling in to get case settings, they know how the judge likes to have things set and that's not something that the clerks necessarily are involved with so you're not going to be able to just have someone come in to takeover in a magistrate secretary's absence. There is a better system in Canyon County, it's been in place for 30 years, and it's a system that works. When judges come from other counties they appreciate it because they are able to have things set, they've got one person who is the point person. She is not aware of any communication gaps, she hasn't seen or heard from anyone including the Prosecutor's Office. Judge Wiebe spoke

about the turnover that has happened at JJC, there have been 4 secretaries in 3 years and although they are under the control of the judge they don't have any control over the assignment. There has not been the same amount of turnover with the magistrate secretaries and she believes that's important for continuity, handling of cases and serving the public. She addressed concerns about County control or liability, there is a statute that states where you have a clerk that is acting in a judicial capacity, under Idaho Code §1-1613 (a), then the liability is with the state, they are considered an employee of the State of Idaho so long as they are acting in the scope of performing judicial duties. She feels that this is a system that isn't broken, is working well and doesn't need to be fixed. Commissioner White asked Judge Wiebe to address the issue of two of the secretaries being absent and how they fill those duties. Judge Wiebe said that they are not usually down two at one time but if one person is out the phones roll to the other two and she hasn't really seen it be a big problem. She also reiterated that it is not going to be possible to just put a fill-in person in one of those seats as they don't have the connection with how the judges work. Doug Tyler added that when there are absences his office also helps pick up some of the slack and they can ask for help from the district court secretaries. Clerk Yamamoto said as a general rule when a magistrate secretary position needs to be filled they are chosen from one of the court clerks. Court clerks are all cross-train on everything and he sees this as very much within the same realm in having multiple people with multiple expertise. Denise Kennel spoke about the turnover in JJC stating that although there was some turnover in the beginning two people needed to be assigned to other positions due to circumstances, another moved on to a new job at the Supreme Court and one was terminated. Judge Onanubosi's secretary has been in their position for two years and Judge Tucker's has been in their position throughout the year. Commissioner White said everything she's heard has all been about the best interest of the county and then thinks of the 'customer' or 'client' and doesn't feel that they'll notice any difference, additionally, she doesn't feel the change would be noticed by the clerks either, that it's really just in best interest of the county and the efficiencies. Commissioner Rule said if Ms. Wiebe and Mr. Tyler were here to say the state wanted to take over these employees he'd be behind it 100% but it's not the case. He doesn't like the "two camp" concept, but if they were to come back saying the state wants to take over these employees he'd support that. Commissioner Dale would really just like to encourage the Clerk to have one of the judges on the interview panel when deciding who will be working for them, he believe this will help with the continuity and assure this will be a seamless process. He would be really surprised if this doesn't work and feels that this will just make everything more efficient and that no one will really notice the changes. Doug Tyler said he is not sure how accurate the current job descriptions are and suggests job shadowing be done to identify if these positions should have a different job description from the normal clerk position or whichever grade they may be equivalent to. Mr. Tyler will work with Ms. Baumgart to work thru those job descriptions. Mike Porter said he confirmed with the Controller that monies can be moved from one fund to another and documented later in the fiscal year. Commissioner White made a motion to authorize changes to the magistrate secretary job descriptions – Clerk of the Court supervision alternative. The motion was seconded by Commissioner Rule and carried unanimously. Commissioner Dale said that subsequent to the motion it would trigger the actions of the HR Director to work with the TCA to get those job descriptions firmed up and then move forward on that line. The meeting concluded at 2:04 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO REVIEW PUBLIC COMMENT ON DECLARATION OF SOLE SOURCE PROCUREMENT - TEMPORARY JAIL SYSTEM - ACTION ITEM: CONSIDER SIGNING SOLE SOURCE LEASE/PURCHASE AGREEMENT WITH ALL DETAINMENT SOLUTIONS FOR TEMPORARY JAIL SYSTEM

The Board met today at 2:32 p.m. for a meeting to review public comment on the declaration of sole source procurement – temporary jail system with a possible action item of signing the Sole Source Lease/Purchase Agreement with All Detainment Solutions (ADS) for a temporary jail system. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Civil Deputy P.A. Sam Laugheed, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Captain Daren Ward, Lt. Andy Kiehl, Sheriff's Finance Manager David Ivers, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, PIO Joe Decker, Ron Harriman, Kathy Alder, David Ferdinand, Larry Olmstead, Hubert Osborne, Gladys Chase, Larry Stevenson, Leslie Van Beek, Nicole Foy from the Idaho Press-Tribune, other interested citizens, and Deputy Clerk Monica Reeves. Sam Laugheed explained the process that has taken place so far. The Board has already taken public comment on the proposed sole source procurement and on July 17, 2018 it published notice of intent to contract by sole source procurement and then held the hearing on July 31, 2018 and at that time the Board heard from two members of the public, one of whom lodged a specific objection to the terms of the proposed sole source procurement based on the company's history, their assets, whether an audit had been done, whether trade references had been obtained and business decision considerations. The County then published a second notice on August 8, 2018 and solicited written comment for a two-week period and during that period we received a letter from the Idaho Freedom foundation (included with this day's minute entry) and their objection dealt with the effect on local industry of not going to bid and the advantages to the County in terms of business decisions that would accrue possibly by going through an IFB or RFP process. We also received communication from a local steel manufacturer that was followed up by letter about the timeframe (the letter is included with this day's minute entry). We also received a letter from All Detainment Solutions clarifying that they do have patents pending and to our knowledge are the only company that offer mobile detention facilities that are delivered on, and stay on, permanent axels. Mr. Laugheed said a separate motion is not required by the Board to decide on the sole source procurement because it is part of the contract that's being presented today, but, it's important that the record have these considerations that will be weighed. The Board has heard from the Clerk's Office and the Sheriff's Office on the side of moving forward; we've heard about the need and the timeframe. ADS has represented that they can fabricate, install, and achieve final occupancy by May. We've heard that their quote, which has been extended multiple times, is set to expire on August 31, 2018 after which the price for this property would increase by approximately \$3,500,000 and that has to do with tariffs and other things happening at a national level. The Board is in a position where reasonable minds could differ about how these factors are weighed and the Board can lawfully decide either way in this case whether sole source is appropriate and choose to proceed by sole source, or, if it believes that the County is not getting the best deal under the circumstances. Mr. Laugheed then reviewed the contract and said when the PA presents a contract they ask that the Board consider signing it in light of

the legal considerations, the financial considerations, operational considerations, and to consider what's in the best interest of Canyon County. In this case the Board has heard from the Clerk and Controller regarding the financial arrangements and it's heard from the Sheriff and his staff about the operational considerations such that there is evidence that funding is there for the contract and that this product will meet Idaho Jail Standards and can be staffed by three deputies. For this sort of contract there are three things that are considered to be deal breakers and those have to do with limitations on the County's ability to incur multi-year debt under Article 8, Section 3; limitations on the County's ability to lend credit or indemnify, and the constitutionality of the proposed housing and that's what Idaho Jail Standards addresses. The contract is lawful, it would be a primary term of one year with four extended terms. The County could decide not to appropriate the lease payments under any one of those years and terminate the contract without financial penalty. The County does not indemnify the lessor so the Article 8, Section 3 & 4 considerations are complied with for this contract and beyond that the schematics have been reviewed and approved by the Sheriff's Office and the Facilities Director in terms of where the stubs will need to go and what the pre-installation requirements are going to be in terms of getting engineering reports and making sure the lot is stable.

Commissioner White asked what will happen if the product is not delivered by the agreed upon date of May 30, 2019. Mr. Laugheed said in working through this with the Sheriff and Clerk they talked about the possibility of having a liquidated damages clause and in this case decided against that as one of the final negotiation points, in part, because of the relationship that's been established over the past months, including two site visits, and the representations that have been made by so the short answer is we do not have a liquidated damages clause but the project stakeholders are satisfied that it will be produced by that time at the latest. They were willing to contract to May 30 for installation and occupancy.

Commissioner Rule asked for clarification on the cost. Mr. Laugheed said for the primary term there are two payments of \$2.25M and in part that was to make sure we were able to have the non-appropriation clause. Then the payments will go to \$1.454M. There is an option to purchase cost of \$1.9M. According to Controller Wagoner the total amount will be \$12.2 million. Mr. Laugheed said with regard to that initial primary term and the two payments, that was one of the negotiating sticking points as far as legal was concerned because the original proposal that was discussed in open meeting was for a 7-year fixed lease that the County was unable to opt out of at any point, which is the problem with incurring multi-year debt and so in talking through the options of what would be lawful under the Idaho Constitution that was the best offer that appropriately shared the risk between the parties. The County needs to be able to get out under the law and the vendor needs to make sure they are at least made whole for the fabrication and installation.

Commissioner White had questions about the buy-back option and ADS's right of first refusal. Mr. Laugheed said if the County at the end of the lease term decided to purchase this property and paid the \$1.9M if we then did that with the intent of flipping it to make a profit we would give notice to ADS that this was happening and they would have up to 15 days to exercise that right of first refusal to buy it themselves. Commissioner White asked if that would that include leasing it to somebody else that needed it for temporary housing, and would that include a lease as well that they would get first right of refusal. Mr. Laugheed said he doesn't think so. The way the proposed lease reads is a bona fide offer from a third party to purchase all, or any portion, of the equipment and so the equipment could be apportioned

off. Arguably someone could make a similar use by apportioning off a couple of the units but he don't read that clause to say we could not lease it ourselves in the future if that's what we decided to do, if we had exercised the purchase option.

Commissioner Rule asked Sheriff Donahue why only three additional deputies would be required to staff the trailers because when there were plans for a brick and mortar facility the Sheriff estimated they would need 30-40 additional employees. Sheriff Donahue said they would only need three additional deputies because of the configuration of how it's built and because of its close proximity. Captain Ward said the physical layout is different and it figures in the closing down of two floors of the annex that are labor intensive so using those two deputies we still need the third deputy to run this new plan. They will need three deputies per shift; they will not need the additional 30-40. Commissioner Rule said closing the annex is a great idea.

Commissioner Dale said this entails a total of 5 years and if we need to go beyond that it'd be more financially advantageous to exercise a purchase option rather than continue at \$1.4M per year for a lease. He asked if ADS assumes responsibilities for repairs and maintenance since it's a lease. Mr. Laugheed said the maintenance and repair obligation is one that he, Captain Ward and Director Navarro spent a lot of time discussing with the vendor. Because this is personal property that's going to remain owned by ADS they maintain the obligation to repair the big mechanical systems and the County takes a day-to-day obligation (change light bulbs, clean drains, etc.). Where ADS will retain a subcontractor that meets our security requirements and is acceptable to the Facilities Director and the Sheriff to do the big plumbing, HVAC, and electrical work. Captain Ward said ADS wants to know who we use for those services and they are planning on being out here next week and so he has set up meetings with the contractors to build the relationship. ADS wanted the County to choose who they already work with so we have that trust already built in.

Commissioner White had questions about compliance with jail standards. She referred to the section that said the lessor shall not be required to modify or replace any equipment during the lease term as a result of any revisions to the Idaho Jail Standards or detention facility. Captain Ward said if we comply with jail standards at the time of construction they will not force us to change construction or add additional equipment if there are changes to the standards. We will be grandfathered in. Sheriff Donahue said he and Captain Ward are part of the jail standards committee and he is not aware of any recommended changes to the jail standards by our inspector, Cindy Malm, at this point.

Commissioner Rule asked what the utilities cost will be each month. Captain Ward said he provided information to Director Navarro a couple of months ago that showed what Greene County, Missouri is paying, which is a fraction of the cost of what that County pays to operate their main facility.

Mr. Laugheed said he is comfortable with the record that exists, and it's lawful for the Board to enter this contract. The deliverables have been signed off on by operations, the finance has been signed off on by finance and now it's a matter for the Board's discretion at this point. Commissioner Dale said he appreciate the work that has been done and the comments provided by citizens and he believes the questions have been adequately answered, particularly regarding the sole source. A question came up last week and it was answered by the letter the Board received from Rule Steel saying they would need to determine whether the business plan would allow this sort of thing, and they could not gear up quickly enough to do this in a reasonable period of time. The letter says Rule Steel will reach out to

the supplier and discuss if they can assist in potential fabrication and installation. He asked if that's something that Rule Steel could potentially have some work on. Captain Ward said he spoke with ADS and Rule Steel last week and shared their contact information so at this point it's a business decision. The steps have been taken to try to keep some of that money in Canyon County.

Commissioner White referred to a section of the contract that addressed the height of the fence. Mr. Laugheed said it's a 10-foot high fence with one ribbon of razor wire affixed to the top and in talking with Director Navarro the 10-foot high fence with the razor wire will give us the 12 feet that the City of Caldwell requires. Captain Ward agreed.

Commissioner Dale said after staff's research he believes we have come down to this one entity that can manufacture this type of thing on the mobile and make sure it is temporary in nature and doesn't require a permanent foundation. He then made a motion to sign sole source temporary detention facility equipment lease with ADS - Canyon County. The motion was seconded by Commissioner White. Commissioner Rule said he cannot support this. When he looks at the 190-bed facility that Commissioners Dale and White opposed compared to these stainless steel trailer houses for 122 inmates at a cost of \$11.2M it seems like a horrible idea. He also finds it interesting that it will only take three deputies when it was said the other one would require more than 30 deputies. Besides this being bad deal financially he thinks the Board is authorizing a permanent solution because the additional beds will take pressure off the County and the taxpayers are going to string out a new facility even longer. It will set a precedent of lease payment of \$2.2M for two years then \$1.454M after that, then we'll probably buy it. It's bad business and he won't support it. Commissioner White said she asked questions about the contract because she wanted clarification before signing it with regard to purchase, how it was intended to work, and if it applied to lease, but she has no intention of buying it unless it were to become an incredible revenue source. ADS has first right of refusal if we want to sell it and they have to pay the price if we get a buyer. This is temporary housing and it's a five-year contract which, if a bond is passed, or if a local option sales tax is approved it will be just about the right timing in terms of getting the trailers out of here and relocating to Pond Lane. Commissioner Rule said a local option sales tax isn't going to do well according to information he has received from legislators, and, a bond isn't an option either because a \$190M bond will never be approved in this County. Commissioner Dale said the addition to the old jail that was proposed would have netted us 64 total beds for \$17M and the full staffing it would require was a really bad decision. As far as the comment that he and Commissioner White voted against it, he said they never got to vote on it because the City of Caldwell never gave permission and they squelched that idea after the County had already spent a bunch of money without the permit. Today we have 53 inmates being housed out of county, and very shortly the fee will rise to \$75 a day, and when you multiply the number of people per day by the \$75 cost per day it adds up very quickly and we'll be well over \$1M for out of county housing for the rental agreements with those other counties. That cost does not include the deputy time, travel time, or the risks involved with transporting inmates on highways. He anticipates those travel costs for out of county would easily come to the \$1.4M per year in another year or so. We are talking about a temporary solution that would keep those people on campus so travel time, deputies, would not be required to spend time on the road. Will this solution totally alleviate all out of county housing needs, probably not but we'll have a much easier time finding housing for 10-15 inmates rather than 40-50 on a daily basis. Long

term this is a solution for a temporary means of addressing a crisis that we face today but in the meantime we continue to work on the permanent jail solution. We will be looking at all funding options. If local option sales tax doesn't pan out we can look at other sources to see if there is a way to structure a combination of funding sources to make this happen so the property tax burden wouldn't be as big. There are some ideas we can explore in the coming weeks and months. Commissioner Rule said the city wouldn't let us put a jail at this location but they'll let us put jail trailers there and then he asked how long the city has committed to letting us keep the trailers here. Commissioner Dale believes it's for seven years. Commissioner White said this addresses a huge liability issue the County is up against and it shows good faith on the part of the Board. A roll call vote was taken on the motion with Commissioner Rule voting against the motion and Commissioners White and Dale voting in favor. The motion carried by a two-to-one split vote. (See Agreement No. 18-113.) The meeting concluded at 3:12 p.m. An audio recording is on file in the Commissioners' Office.

#### AUGUST 2018 TERM

CALDWELL, IDAHO AUGUST 28, 2018

PRESENT: Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Acapulco Mexican Restaurant to be used 9/8/18 for a wedding.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Williamson Vineyards to be used 9/8/18 for a media tour.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- TNR Technical Inc. – West in the amount of \$7406.03 for the Sheriff's Office
- Global Knowledge in the amount of \$3895.00 for the Information Technology department
- Motorola Solutions in the amount of \$2989.64 for the TCA-District Court

#### APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Lee Marie Hibbeler.

EXECUTIVE SESSION PURSUANT TO IC 74-206(1)(B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS: DEPARTMENT ADMINISTRATOR PERFORMANCE SURVEYS

*A request was made to go into Executive Session to discuss personnel issues related to specific employees and related documents. The Executive Session was held as follows:*

Commissioner Dale made a motion to go into Executive Session at 1:33 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale and Pam White, Public Defender Aaron Bazzoli arrived at 1:33 p.m. and left at 2:02 p.m., Landfill Director David Loper arrived at 2:04 p.m. and left at 2:28 p.m., HR Director Sue Baumgart arrived at 2:33 p.m. and left at 3:03 p.m., IT Director Greg Rast arrived at 3:10 p.m. and left at 3:34 p.m. and Deputy Clerk Jenen Ross. The Executive Session concluded at 3:34 p.m. with no decision being called for in open session.

**AUGUST 2018 TERM**  
**CALDWELL, IDAHO AUGUST 29, 2018**

**PRESENT:** Commissioner Tom Dale, Chairman  
Commissioner Pam White  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 1824

The Board of Commissioners approved payment of County claims in the amount of \$1,570,759.46 for a County payroll.

APPROVED CLAIMS ORDER NO. 9/21/18

The Board of Commissioners approved payment of County claims in the amount of \$6201.25 for accounts payable.

APPROVED CLAIMS ORDER NO. 9/6/18

The Board of Commissioners approved payment of County claims in the amount of \$176.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 9/10/18

The Board of Commissioners approved payment of County claims in the amount of \$146,391.07 and \$176,449.42 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- MCCi in the amount of \$2294.00 for the Court Clerks
- Carousel Industries in the amount of \$1010.86 for the Information Technology department

PUBLIC HEARING TO CONSIDER A REQUEST BY BOB AND JEANNE KELLY FOR A REZONE, CASE NO. RZ2018-0010

The Board met today at 10:04 a.m. to conduct a public hearing in the matter of a request by Bob and Jeanne Kelly to rezone approximately 19 acres from "A" Agricultural to "R-1" Single Family Residential. The subject property is located at 14715 Purple Sage Road., Caldwell, ID, further described as a portion of the Northwest quarter of Section 34, Township 5N, Range 3W, Canyon County, ID. The P&Z Commission recommended approval of the rezone on July 19, 2018. Present were: Commissioners Tom Dale and Steve Rule, DSD Director Tricia Nilsson, DSD Planner Kyle McCormick, Doug Edwards who left at 10:23 a.m. and Deputy Clerk Jenen Ross. Kyle McCormick gave the oral staff report stating that the applicants are requesting a rezone of parcel R38157-011 which is approximately 19 acres from agricultural to single family residential. There is currently one house and one accessory structure on the property. It is located within Middleton's area of city impact. It is also located within a nitrate priority area and designated as residential on Canyon County's Future Land Use Plan as well as Middleton's Future Land Use Map. The applicant is proposing to rezone it from agricultural to R-1 which allows for a one acre minimum average lot size. They have a site plan that has been submitted and if the rezone is approved they are considering a 9 lot residential subdivision. The surrounding areas are mainly rural residential with some single family residential. There are 32 platted subdivisions within a mile of the subject property for a total of 555 lots, of those lots the average lot size is 1.45 acres therefore the proposed development would create lots that are commensurate with the existing subdivisions in the area. The City of Middleton comments state that they show it as residential and would like to see 2 acre lots but since it's not adjacent to city limits and doesn't have city water available the county ordinance doesn't allow for us to follow the Middleton subdivision standards

which is why the county standards are being followed in this situation. Access to Purple Sage is where they're going to take access. One letter of concern from an adjacent property owner was submitted with concerns about access and sight distances on Purple Sage Rd.; Canyon Highway District no. 4 commented on the application and stated that they would need to review the access location but when they did the preliminary review it appears that there is sufficient sight distance for the posted 40 mph speed limit and that the proposed rezone is not anticipated to cause an impact to the existing or future road network and they had no opposition to the request. Staff is recommending approval and has provided Findings of Fact, Conclusions of Law and Order for the Board's consideration. Commissioner Rule suggested that since the applicant is not yet present to offer testimony that the Board speak with Mr. Edwards as he has indicated he just has some questions. Mr. Edwards asked about an environmental impact report, well drilling, how deep the water table is and what the production of the well is. Mr. McCormick said that the applicant will be required to work with SWDH on putting in an appropriate septic system for the nitrate priority area that it's in right now. They are currently working with SWDH on doing a nitrate priority study for their 9 lot subdivision to make sure it's not going to cause an impact to the surrounding ground water quality. Director Nilsson further explained that nitrates are found in the ground water in that area so Idaho Department of Water Resources monitors that thru monitoring wells in the area and have classified it as a nitrate priority area. The Purple Sage area has started to show improvement in that the level of nitrates are dropping, most of them are in the low to moderate range. At this step of looking at a rezone the applicants will still be required to submit a plat which will also go thru the hearing process at P&Z and then back to this Board. If the Board approves this rezone the applicants will have to formally submit a plat and in that process is where lot layout, well locations, access to Purple Sage are looked at more closely; the platting is another process by which all those details are pinned down. Upon the motion of Commissioner Rule and second by Commissioner Dale the Board voted unanimously to close public testimony. Commissioner Rule made a motion to approve the rezone request of Bob and Jeanne Kelly for a rezone, case no. RZ2018-0010. The motion was seconded by Commissioner Dale and carried unanimously. Commissioner Rule made a motion to sign the ordinance directing amendments to the Canyon County zoning map. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 10:25 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS THE OPIOID CRISIS WITH POSSIBLE DECISION TO FOLLOW

The Board met today at 10:33 a.m. for a meeting to discuss the opioid crisis with the possibility to consider approval/denial regarding Canyon County's representation on a contingency fee basis by Crueger Dickinson, LLC, in a civil lawsuit against certain opioid manufacturers. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Dan Chadwick, Michele Chadwick, Controller Zach Wagoner, PIO Joe Decker, Erin Dickinson via conference call, Ambulance District Director Michael Stowell, Nicole Foy from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Dan Chadwick, of the law firm of Chadwick and Associates, PLLC, has been working with Erin Dickinson with regard to the opioid litigation for quite some time and when they previously met with the Board they talked about the nature of the lawsuit and what was involved. This emanated from the problem of

overuse, over-prescription of opioids. Since the last meeting 11 Idaho counties have joined in the lawsuit out of the state of Ohio. If Canyon County participates there is no cost in terms of joining, but there is a good chance of a settlement. There is a lot of data on how many opioids are coming in to all the counties in the state and there is some good anecdotal information from the Sheriff, local law enforcement, the Coroner, and the Prosecutor, and it's not difficult to extrapolate damages from that kind of information. If the County joins the lawsuit it will participate in whatever recovery comes about and some of that recovery will be prospective. Commissioner Dale said the primary concerns expressed by other elected officials are what will be required as far as data collection and presentation for determining some sort of settlement ratio. Erin Dickinson said there are now over 1,000 participants in this multi-district litigation across the United States and at the moment the only ask of the counties participating, other than the first few cases that were designated as cases that would go to trial first in Ohio, is to fill out a plaintiff's fact sheet. It is factual information on easily and readily available statistics within Canyon County and her firm will work with us to do that. The requirements of the fact sheet are pretty non-onerous and probably won't require a lot of participation from departments. The magnitude of the problem is so large that the court has asked them to focus on the abatement of the problem going forward and so digging back in our past damage is not happening at the moment, and may never happen. They are trying to create a fix that encompasses as many resources as possible and that's where the focus is to make sure programs are set up nationwide and are funded nationwide and that will set the tide going forward to make sure the resources are in place for the folks that do have a problem. Typically the County attorney spearheads the effort to complete the fact sheet and collects the answers to the 15-20 questions, but the Board can designate whomever it wants to fill out the sheet. Commissioner White asked who decides what the abatement program will look like, will it be the prevailing parties or the courts? Ms. Dickinson said they will make a proposal and if the case resolves there would be a negotiated solution and then all of the clients and counties involved would sign off on what's acceptable to them. Essentially the court is involved, attorneys are involved, and the clients are involved at different and varied levels. She said it's their job to get on the table what they think makes sense for a solution and then work with the defendants to see if that solution could resolve the case and obviously they'd be paying for it. If it doesn't settle they will fight it out in court and either the judge or the jury will decide what it will look like and so it remains to be seen, but, if there is a settlement the counties have the opportunity to weigh in on whether they want to be a part of that and then should there be changes to the model. Commissioner Dale said the County doesn't have a system for tracking opioid-specific deaths. Michele Chadwick said she spoke with Dottie Owens, the Ada County Coroner, and she is in the process of working with the state in pulling some of that data. The state collects a great number of data that we are not aware of and Coroner Owens is working with them to obtain some of that information so while that may not be present at the county level they do expect we'll be able to pull some of that from the state. Commissioner Dale said they recently talked about this at a Treasure Valley Partnership meeting and it was said that unless a Coroner specifically asks for opioids to be tested in an autopsy they don't get tested and often the cause of death is given to something else without that test. Ms. Chadwick said the Coroner talked about the number of deaths just from drugs and the number where a toxicology screen is run. Typically if a screen is run it will determine whether it is an opioid but it may not specify if it's heroin or oxy, and so with the information and data that Ms. Dickinson has on a nationwide basis

they'll be able to extrapolate that back down so even if it's just a drug overdose they will be able to extrapolate that data. Ms. Dickinson said on the fact sheets they take the data as it is, it's not an exercise in requiring the County to create data that doesn't exist, so an acceptable answer could be "We don't track this information and therefore are unable to answer the question although we'll try to answer the questions where possible because obviously it makes sense for us to be as compliant as possible with the obligation to do this." She said they are not asking the counties to sift through every death certificate they have. They get an incredible amount of information, documents, and discovery from the defendants and the court felt it was unfair to not have the counties do anything but they are mindful that counties are already overburdened and did not want to allow full scale document discovery. Commissioner Rule said his position hasn't changed, he wants to participate in the lawsuit so we can have an opportunity to recoup some of the monies that we've spent on indigent deaths and other issues that that relate to our jail, and then he made a motion to approve this contingency fee basis action by Crueger Dickinson in a civil lawsuit against certain opioid manufacturers. Commissioner White seconded the motion and said this a huge problem and it's a scourge on society and it's costing the taxpayers' money. Commissioner Dale said the Board heard from another law firm and it was pretty much the consensus that the Board appreciated Ms. Dickinson's attitude and they felt that her representation in this case would serve the County the best. He said the motion is to approve the County's representation in this lawsuit with the Crueger Dickinson law firm. The motion carried unanimously. Ms. Dickinson will proved the Board with their most recent engagement letter. The meeting concluded at 10:54 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKEY LITIGATION

*Note for the record: As properly noticed the Board met today at 11:32 a.m. for a legal staff update. A request was made to go into Executive Session to discuss records exempt from public disclosure and attorney-client communication, and communicate with legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:*

Commissioner Rule made a motion to go into Executive Session at 11:33 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 11:41 a.m. with no decision being called for in open session.

PUBLIC HEARING – A REQUEST BY THE CITY OF CALDWELL FOR A REZONE, CASE NO. RZ2018-0011

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by the City of Caldwell for a rezone of approximately 88 acres, Parcel No. R38131-011, from an "RR" (Rural Residential) zone to an "R1" (Single Family Residential) zone. The parcel is located on the west side of El Paso Road approximately 1460 feet north of the intersection of El Paso and Willis Roads. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Director Tricia Nilsson, DSD Planner Deb Root, Mayor Garret Nancolas, Carol Mitchell from the City of Caldwell, Alan Mills, Tyler Hess, and Deputy Clerk Monica Reeves. Deb Root gave the oral staff report. The rezone is for 88 acres that is currently owned by the City of Caldwell. It is located in a nitrate priority area and it is in the Middleton City Impact Area; the city did not express significant concerns regarding it. Services are not provide to the area. City standards would be a two-acre minimum average without services but they are not subject to the ordinance at this time. They have public road access to El Paso Road, and the road has been improved and completed between Willis Road and Purple Sage Road. The property is designated as residential on the Canyon County Comprehensive Plan Future Land Use Map. Staff is recommending approval of the proposed rezone to "R1" Single Family Residential knowing that platting will be required and must meet the requirements of Southwest District Health related to the nutrient pathogen studies on the property. Mayor Garret Nancolas stated the property was originally purchased as acreage for an additional 18 holes of golf, however, that has not come to fruition. He said reports suggest that golf is the fastest declining sport in America and so they saw no need for the land to remain in the City of Caldwell's hands and they believe it should be back on the tax roll. They have gone through the proper steps to declare it excess property and after going through an RFP process to find a real estate agent to market it, Alan Mills was selected. The Mayor said he supports the conditions in the staff report. Commissioner Dale said he's surprised to learn the property is in the Middleton Impact Area rather than Caldwell's Impact Area. Mayor Nancolas said they tried to include that in their area of impact but out of respect for the laws that say you should be able to provide services within a five-year period of time they drew back because they didn't think they would be able to immediately provide services. He's not sure the City of Middleton can provide services either but that's a different story. Alan Mills said the rezone is consistent with what's gone on in the area and part of the reason for the sale is to improve the chances of Purple Sage Golf Course continuing on as a viable entity because it's been in the red for quite some time and so there's been an agreement between the City of Caldwell and the golf board to work things around. They are working with the developer to issue passes to homeowners to try to make it more consistent and break even at worst and profitable at best. They have done a nutrient pathogen study and it confirmed the viability for this. According to Mr. Mills there is more development than the map shows and there is some commercial zoning across from the club house that was done in 1979 so it does have potential to do a little service for the area for different commercial aspects. Tyler Hess testified that he is the developer looking to purchase this property. He is developing the land to the north and just completed Phase 1, and they just went through rezoning on Phase 2 from RR to R1. Commissioner Rule asked if they've had any trouble with Southwest District Health letting them put septic and wells on one acre lots. Mr. Hess said they haven't had any problems and they are following the guidelines and had it engineered to show those on the plat maps. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Rule said he has spent a lot of time at the golf course and he's familiar with trend out there. He is not fan

of government buying property and holding onto it and Caldwell is trying to put it back on the tax rolls and do things to help the community. He supports the request. Commissioner White asked if the only ingress/egress is off El Paso Road. Ms. Root said it is, and the highway district has indicated there will not be direct access to Old Highway 30 but they do have the opportunity to go through a variance process or work with the highway district when the development is laid out, but at this time there is no direct access to Old Highway 30. Commissioner White believes the city and the developer have a good partnership in this case and she likes the incentives that will be offered. Commissioner Dale said he believes the rezone is consistent with the trend in the area. *(With approximately one minute left in the hearing the recording system stopped working, therefore, there is no audio recording of the very end of this hearing.)* Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to approve the request by the City of Caldwell for a rezone from “RR” Rural Residential to “R1” Single-Family Residential, and to approve the Findings of Fact, Conclusions of Law and Order, as well as the ordinance directing amendments to the Canyon County Zoning Map for Case No. RZ2018-0011. (See Ordinance No. 18-025.) The hearing concluded at 1:50 p.m. An audio recording is on file in the Commissioners’ Office.

EXECUTIVE SESSION PURSUANT TO IC 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS: DEPARTMENT ADMINISTRATOR PERFORMANCE SURVEYS

Commissioner Dale made a motion to go into Executive Session at 2:03 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss personnel issues related to specific employees and related documents. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale and Pam White, Chief Probation Officer Elda Catalano arrived at 2:03 p.m. and left at 2:13 p.m., Fleet Director Mark Tolman arrived at 2:30 p.m. and left at 3:05 p.m., PIO Joe Decker arrived at 3:05 p.m. and left at 3:20 p.m. and Deputy Clerk Jenen Ross. The Executive Session concluded at 3:20 p.m. with no decision being called for in open session.

MEETING WITH COUNTY ATTORNEYS TO CONSIDER AN ACTION ITEM OF SIGNING ADDENDUM 1 OF THE COMPREHENSIVE PLAN CONSULTANT RFP

The Board met today at 3:21 p.m. to consider signing addendum no. 1 of the Comprehensive Plan Consultant RFP. Present were: Commissioners Tom Dale and Pam White, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. Zach Wesley explained there was a date error in the original RFP, additionally, they had intended to strikethrough the pre-proposers conference as it’s not necessary so this addendum will clean-up those two matters. Commissioner White made a motion to sign addendum no. 1 of the Comprehensive Plan Consultant RFP. The motion was seconded by Commissioner Dale

and carried unanimously. The meeting concluded at 3:23 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IC 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS: DEPARTMENT ADMINISTRATOR PERFORMANCE SURVEYS

Commissioner White made a motion to go into Executive Session at 3:28 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss personnel issues related to specific employees and related documents. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale and Pam White, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The Executive Session concluded at 3:55 p.m. with no decision being called for in open session.

**AUGUST 2018 TERM**  
**CALDWELL, IDAHO AUGUST 30, 2018**

**PRESENT:**     Commissioner Tom Dale, Chairman  
                  Commissioner Pam White  
                  Commissioner Steve Rule  
                  Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 9/4/18

The Board of Commissioners approved payment of County claims in the amount of \$204.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 8/30/18

The Board of Commissioners approved payment of County claims in the amount of \$2,250,000.00 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Corwin Ford in the amount of \$28,989.00 for the Fleet department/Solid Waste department

### APPROVED SALARY RATE REQUEST AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for David Kojima and Ashley Johnson.

### FILE IN MINUTES

The Board filed a commuter vehicle authorization form for Greg Rast in today's minutes.

### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Agave Cantina to be used 9/1/18 for a wedding.

### CONSIDER INDIGENT DECISIONS

The Board met today at 8:46 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Customer Service Specialist Robin Sneegas and Deputy Clerk Jenen Ross. The following cases do not meeting the eligibility criteria for county assistance: 2018-1262, 2018-1264, 2018-1269, 2018-1335, 2018-1370, 2018-1267, 2018-1274, 2018-1216, 2018-1261, 2018-1217, 2018-1208, 2018-1240, 2018-1241, 2018-1209, 2018-1265, 2018-1361, 2018-1238, 2018-1272, 2018-1215, 2015-1255, 2018-1235, 2018-1207, 2018-1214, 2018-1362, 2018-1263, 2018-1259, 2018-1347, 2018-1260, 2018-1266, 2018-1257, 2018-1237, 2018-1234 and 2018-1219. Commissioner White made a motion to issue written denials within 30 days. The motion was seconded by Commissioner Rule and carried unanimously. The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

### MEETING TO DISCUSS FUNDS ASSIGNED IN 2016 TO CAPITAL CONSTRUCTION AND CONSIDER REASSIGNING FUNDS TO SATISFY TEMPORARY JAIL LEASE OBLIGATION

The Board met today at 9:02 a.m. to discuss funds assigned in 2016 to capital construction and consider reassigning funds to satisfy the temporary jail lease obligation. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto, Controller Zach Wagoner, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Zach Wagoner explained that the fund balance is a measure financial well-being and strength of an organization. When you have an appropriate amount of fund balance you are able to respond to emergent situations or shifts or changes in revenue in an appropriate manner. Assigned fund balance represents amounts that are intended to be used by the county for specific purposes and our general fund assigned fund balance amounts are managed by the Board of County Commissioners. As a history of the fund balance in February of 2016 there was \$4.2M assigned for capital projects, in April of 2016 \$1.9M was added to that amount, as of

September 30, 2016 \$6.2M was assigned as our fund balance for capital projects. In July of 2017 when the FY2018 budget was being developed there was \$3M of that assignment reallocated to provide property tax relief and funding for the FY2018 budget. At the end of FY2017 there is \$3,219,387 remaining as assigned fund balance for capital projects; that is money that is already in the bank, money that is readily available for a large or significant capital type project. The Controller estimates that at the end of the current FY2018 the general fund balance will be \$11.4M and is estimating the 2018 general fund expenditures to be \$29.5M so fund balance for the general fund expressed as a percentage of expenditures would be 38.6% for the year. What has been emphasized on the fund balance policy is that they do not want that number to go below 33%. Mr. Wagoner's feeling is that 38.6% is a very reasonable and appropriate amount of fund balance. The recommendation today is that the \$3.2M that's assigned for capital projects to be used for its intended purpose, to be used to satisfy the temporary jail lease obligation. With releasing those funds the fund balance would remain at 38.6%. Zach Wesley said the records from meetings where the funds were assigned have been reviewed by legal and there was no specific appropriation to a capital construction project, the funds were always just designated as a budgetary matter. The way to reallocate them would be thru the same method where they were initially designated, meaning an open session with a motion from the Board followed by a roll call vote. Commissioner Rule asked about the fairground dollars. Controller Wagoner explained there is a separate County Fair fund, so those funds are in an entirely separate accounting fund further explaining that when the sale of the fair property closes those monies will go directly into the County Fair fund which is entirely separate from these funds. Commissioner Rule said that this Board has had a continuous message that they want those fairground dollars to stay with the fair. Controller Wagoner said that is absolutely the way it must be and will be to follow proper accounting and financial standards, those are fair monies. Clerk Yamamoto added that with the submitted budget that was passed, this move of the transfer of the \$3.2M was part of the budget, it was included in how the jail in particular would be funded. Commissioner Dale stated that he wished this wasn't something that had to be done and that the money could be applied to a permanent jail but in the interim this is the best proposal they've seen and some relief needs to be provided and this will help with that. Commissioner Dale made a motion to assign the funds as explained by Mr. Wagoner. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Dale and White voting in favor of the motion and Commissioner Rule voting against. The motion carried in a 2-to 1 split vote. The meeting concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IC 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS: DEPARTMENT ADMINISTRATOR PERFORMANCE SURVEYS

Commissioner White made a motion to go into Executive Session at 9:32 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss personnel issues related to specific employees and related documents. The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present

were: Commissioners Tom Dale, Pam White and Steve Rule, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:57 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER APPROVAL/DENIAL OF A REQUEST BY ION & MIHAELA STANCIU FOR A REZONE, FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER AND ORDINANCE; CASE NO. RZ2018-0007

The Board met today at 10:02 a.m. for a public hearing to consider approval/denial of a request by Ion & Mihaela Stanciu for a rezone and to consider approving the findings of fact, conclusions of law and order and an ordinance; case no. RZ2018-0007. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Director of DSD Tricia Nilsson, DSD Planner Dan Lister, TJ Wellard, Ion Stanciu and Deputy Clerk Jenen Ross. Dan Lister gave the oral staff report stating that the applicant is requesting a rezone from rural residential to R-1 which is a 1 acre minimum lot size. This case was before the P&Z Commission on July 19, 2018 where they recommended approval. This is within the City of Nampa's impact area and their future land use plans show this as low density residential. On the vicinity map there are a lot of subdivisions, all of which are in the city with an average lot size of .34 acres. Agencies and neighbors were all notified of the rezone and no opposition was received so staff is recommending approval. TJ Wellard spoke on behalf of the Stanciu's stating that they would like to be able to split their 2.5 acres to give a parcel to their daughter to build on. There are recent improvements along Stamford and Dooley as part of Stanciu Subdivision as requested by the City of Nampa. Mr. Wellard does not believe that the City of Nampa has made any further requests in regards to improvements. The additional parcel will be served by individual well and septic that they have been working with SWDH on for approval. All right-of-way required by the highway district has already been dedicated. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to close public testimony. Commissioner Dale said this is an enclaved area that enjoys the benefits of being in the City of Nampa without having to contribute to paying to those, at some point he would like to see this area become a part of the City of Nampa. Commissioner Rule made a motion to grant the rezone request, provide finding of fact, conclusions of law and order and approve the ordinance directing the change to the official zoning map. The motion was seconded by Commissioner White and carried unanimously. See ordinance no. 18-026. The hearing concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IC 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS: DEPARTMENT ADMINISTRATOR PERFORMANCE SURVEYS

Commissioner White made a motion to go into Executive Session at 11:04 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss personnel issues related to specific employees and related documents. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor of the

motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale and Pam White, Parks Director Nicki Schwend arrived at 11:04 a.m. and left at 11:30 a.m., Fair Director Diana Sinner arrived at 11:30 a.m. and left at 12:07 p.m. and Deputy Clerk Jenen Ross. The Executive Session concluded at 12:07 p.m. with no decision being called for in open session.

MEETING WITH DIRECTOR OF FACILITIES AND ASSESSOR TO DISCUSS POSSIBLE REMODEL OF THE DMV FOR A DEALER CENTER

The Board met today at 3:15 p.m. with the Director of Facilities and Assessor to discuss a possible remodel of the DMV for a dealer center. Present were: Commissioners Tom Dale and Pam White, Assessor Brian Stender, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. Brian Stender explained to the Board that auto dealers have been frustrated with the amount of time it is taking to process titles and the error rate and earlier in the year considered using a 3<sup>rd</sup> party for processing. Kimbra Asqueta reached out to the dealerships in Canyon County to see if there was something that could be done before they moved to a 3<sup>rd</sup> party as this is a large revenue stream. The solution the Assessor has come up with is to create a title processing center within the DMV with dedicated staff to process titles as their primary task each day. Paul Navarro provided a layout of the current set-up of the office and has worked with Ms. Asqueta and Mr. Stender as to what will work best for them. They would convert stations 9 and 10 to an enclosed space for this purpose that would not be open to the public. He estimates the project to cost about \$3000, with the exception of glass, with the work begin done in-house by his staff. Assessor Stender has funds available still for FY2018 and would like to complete the project prior to the end of the fiscal year. Director Navarro said there is a lot that can be repurposed and they will use as much of that as they can. Commissioners Dale and White are both in favor of this project but asked for it to be listed on the agenda as an action item. Approval of this project will be considered on September 7, 2018 at 8:30 a.m. The meeting concluded at 3:32 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2018 TERM  
CALDWELL, IDAHO AUGUST 31, 2018

PRESENT: Commissioner Tom Dale, Chairman – out of the office  
Commissioner Pam White – out of the office  
Commissioner Steve Rule  
Deputy Clerk Monica Reeves / Jenen Ross

No meetings were conducted.

THE MINUTES OF THE FISCAL TERM OF AUGUST 2018 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this 25<sup>th</sup> day of October, 2018

CANYON COUNTY BOARD OF COMMISSIONERS

Steven J. Rule

Tom Dale

Pam White