

FIRST DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 11, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Cody Wood, Richard Holzworth, Derek Toney, William Dillon, Eric Pesina, Bryden Wiggins, Russell Donnelly, Timothy Wood, and Bradley Peterson.

SIGNED MEDICAL INDIGENCY DOCUMENTS

The Board signed the following medical indigency documents recorded as instrument numbers: 2016-001013, 2016-001014, 2016-001015, 2016-001016, 2016-001017, 2016-001018, 2016-001019, 2016-001020, 2016-001021, 2016-001022, 2016-001023, 2016-001024, and 2016-001025.

FILE IN MINUTES

The Board filed the monthly report of the Canyon County Treasurer for November 2015 in today's minute entry.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:31 a.m. for an office staff meeting. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Facilities Manager Paul Navarro, PIO Joe Decker, Senior Administrative Specialist Jenen Ross, and Deputy Clerks Kelly Martinez and Monica Reeves. Ms. Martinez and Ms. Ross left at 8:37 a.m. Last Friday, while performing demolition services on the first floor of the courthouse, workers with Ideal Demolition inadvertently cut the network fiber that provides telephone/computer service to the Commissioners' Office so Paul Navarro worked with IT staff and a crew from Precision Communication over the weekend to repair the fiber. He will contact the contractor about the repair bill and ask if they want to do a deduction on the amount we owe them or if they want it to go through the insurance

company. Joe Decker reported on the following communication items: Commissioner Rule asked him to look into the possibility of advertising the Pond Lane property (formerly considered for a jail site) in a southern California business journal. After some research he believes the best option would be the Orange County Business Journal which has a readership of 22,000. The cost to run a quarter page advertisement for two weeks would be \$1,500, and that purchase will get us six additional weeks in the "properties for sale" section at no charge. Mr. Decker prepared for the Board's review some mock ads that say "Move your Business to Canyon County." Commissioner Rule said we have been sitting on the property for five years and we went through the auction process but haven't had a serious offer since; he is not a fan of government holding onto property especially when we don't have a use identified for it. He would like to see an industrial use on the property and is encouraged by the businesses that are looking to get out of California and he believes the ad would be an appropriate use of advertising dollars. Commissioner Hanson said if we can get industry to come here it will provide economic development and that is far better than having a piece of land with no plan. Commissioner Dale said his position on the property has not changed; he is not in favor of selling it at a loss. Commissioner Rule said we should raise the selling price because property values have increased and there is now water and sewer at the site. He also said the Board should run it by legal counsel before moving forward. Paul Navarro reported on the following facilities issues: The Nampa annex will close this week and operations will move to the courthouse on Friday; the contractor is finishing up the audio/visual systems in the courtrooms; clerks will be relocated from Room 301 to Room 310 and his staff is scrambling to build new cubicle systems so they can house the employees who are coming from Nampa; the biggest issue is moving all the pews from the Nampa annex and bringing them up the staircase to the courtrooms; they will bring a magnetometer and X-ray over for the juvenile justice center; a tour of the annex is set for January 20th at 8:30 a.m.; and the bulk of the demo on the first floor is finished. The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPOINTING CHAIRMAN AND VICE-CHAIRMAN FOR THE BOARD OF COUNTY COMMISSIONERS

The Board met today at 9:00 a.m. to consider appointing a Chairman and Vice-Chairman of the Board of Canyon County Commissioners. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Zach Wesley, Deputy P.A. Leon Samuels, and Deputy Clerk Monica Reeves. Commissioner Hanson made a motion to appoint Commissioner Rule as Chairman of the Board and Commissioner Hanson as Vice-Chairman. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Dale, Hanson and

Rule voting in favor of the motion. The meeting concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION CLASSIFYING RECORDS OF THE CANYON COUNTY AUDITOR AND AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS

The Board met today at 9:02 a.m. to consider a resolution classifying records of the Canyon County Auditor and authorizing the destruction of certain records. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Zach Wesley, Deputy P.A. Leon Samuels, and Deputy Clerk Monica Reeves. Leon Samuels said a resolution was recently done for 2009 records but he neglected to include the 2010 records as part of it so this resolution does that. Commissioner Dale made a motion to authorize the Board to sign the resolution classifying records of the Canyon County Auditor and authorizing the destruction of certain records. The motion was seconded by Commissioner Hanson for discussion. He asked if there would be any concern with the records dealing with the financial review that's being done now. Commissioner Rule said the review includes records that date back to 2013 so he doesn't believe there is a problem with the 2010 records. Zach Wesley said the Auditor is asking to destroy claims, recording receipts and taxing district statements dated 2010. They will not destroy anything that's subject to litigation; the request is very narrow and there should still be general financial records present that will satisfy any inquiry the Board wanted to make. The motion carried unanimously. (See Resolution No. 16-007.) The meeting concluded at 9:04 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 LIKELY LITIGATION

Note for the record: As properly noticed the Board met today at 9:04 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 to communicate with the legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:

Commissioner Dale made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). The motion was seconded by Commissioner Hanson. A roll call vote was taken on the motion with Commissioners Hanson, Dale and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule, Craig Hanson and

Tom Dale, Deputy P.A. Zach Wesley, Deputy P.A. Leon Samuels, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:15 a.m. with no decision being called for in open session.

CONSIDER APPLICANT'S REQUEST FOR RECONSIDERATION REGARDING THE APPEAL BY RB DEVELOPMENT FOR A CONDITIONAL USE PERMIT; POSSIBLE DECISION TO FOLLOW

The Board met today at 9:40 a.m. to consider the applicant's request for reconsideration regarding the appeal by RB Development for a Conditional Use Permit (C.U.P.) for Case No. PH2014-47. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Zach Wesley said the applicant's attorney, Hethe Clark, had a conflicting appointment this morning and requested the Board take the matter up later this afternoon so he could have the opportunity to be present. This is not a public hearing so there won't be a comment period, or a right to put any argument before the Board. Commissioner Hanson said this is not a hearing with public testimony but it is a recorded meeting so Mr. Clark will have access to the minutes and audio therefore he doesn't see a need to postpone the meeting. Commissioner Rule asked what the best course of action would be. Mr. Wesley said his preference would be to hear the matter at the scheduled time, today at 9:45 a.m., or the Board can take it up this afternoon. Commissioner Dale would prefer to discuss it now and he said if Mr. Clark would care to listen to the discussion he can ask for a recording. Commissioner Rule agreed and the Board moved forward with its discussion. Mr. Wesley presented the Board with draft copies of proposed written Findings. He said RB Development requested a C.U.P. for an RV park near Lake Lowell and the property is currently zoned agricultural and is on the future land use map as residential. The application was denied by the P&Z Commission and appealed to the Board which held public hearings on the matter in August, September and October, 2015. On October 9, the Board deliberated on this matter and gave staff direction to prepare written findings consistent with the denial. Staff came back on October 30 and the Board deliberated further and adopted written findings on that date. There are two points in the request for reconsideration: The first point is that the decision does not reflect a deliberation on October 9, 2015. Mr. Wesley reviewed the procedural history and said the Board voted on October 9 and directed staff to prepare a written decision consistent with the denial, and on October 30 the Board issued written decisions after some additional deliberation. The second point on the request for reconsideration is the staff description of the length of stay limitation was inaccurate and that a denial didn't reflect the current or past County actions and did not reflect actual enforcement requirements on the County and denial based on that should be reconsidered. Mr.

Wesley said on October 9, at the end of a discussion on conditions, staff provided the Board with additional clarification on the length of stay condition and what the impact would be on the Development Services Department. It would basically limit the time an RV could remain at the park and staff's concerns were that it would require additional services and put additional strain on DSD essentially that it would require additional funding or an abnormal allocation of resources to monitor or enforce a condition like that. Commissioner Dale said he's gone through the documents that were submitted by Hethe Clark and after listening to Mr. Wesley, and his own personal feelings on the basis on which they are asking for reconsideration, he doesn't see anything in either of the points that has been brought up that would change his opinion on this matter. He believes the decision rendered by the Board is still the correct one and nothing has changed based on what's been provided. He is in agreement with Mr. Wesley's comments as far as the legal aspect of the requests. Commissioner Hanson concurs with Commissioner Dale and said there isn't anything in the document presented by Mr. Clark that would make him change his position. Commissioner Rule concurred and said it's basically the same problem that existed at the initial hearing. Commissioner Dale made a motion to deny the request for reconsideration for RB Development, Case No. PH2014-47. The motion was seconded by Commissioner Hanson. A roll call vote was taken on the motion with Commissioners Dale, Hanson and Rule voting in favor of the motion to deny. The motion carried unanimously. Mr. Wesley said there is a requirement that the Board issue written findings, which he's prepared, and if they are consistent with the vote and decision today they can be signed and issued. Commissioner Hanson made a motion to uphold the original denial for Case No. PH2014-47 and sign the document. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Dale, Hanson and Rule voting in favor of the motion. The motion carried unanimously. The proceeding concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION TO ISSUE A REFUND TO LANCE JEROME FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE APPLICATION FEES

The Board met today at 9:56 a.m. to consider a resolution to issue a refund to Lance Jerome for a comprehensive plan map amendment and rezone application fees. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Director Nilsson said after the application was filed the applicant learned that he would also have to plat so he chose to withdraw all activity and since staff didn't spend any time on the case DSD is requesting a full refund in the amount of \$3,350. Upon the motion of Commissioner Dale and the second by Commissioner

Hanson, the Board voted unanimously to authorize the reimbursement as noted by Director Nilsson. (See Resolution No. 16-008.) An audio recording is on file in the Commissioners' Office. The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING HISTORIC PRESERVATION SUPPORT AWARD AGREEMENT FOR THE GREENLEAF HISTORICAL SOCIETY

The Board met today at 9:58 a.m. to consider signing the Historic Preservation Support Award Agreement for the Greenleaf Historical Society. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. The project is for a new exhibit building, walking paths and handicap ramps. The Board previously approved the project with a budget amount of \$10,000. Upon the motion of Commissioner Hanson and the second by Commissioner Dale, the Board voted unanimously to grant the award to the Greenleaf Historical Society for FY2016. (See Agreement No. 16-002.) The meeting concluded at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

BIWEEKLY MEETING WITH THE DEVELOPMENT SERVICES DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 10:02 a.m. for a biweekly meeting with the DSD Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, Planner Jennifer Almeida, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: discussion regarding the requests from the City of Nampa and the City of Caldwell to amend the Area of City Impact Boundaries and the hearing process to do so. (The memorandum submitted by Director Nilsson is on file with this day's minute entry.) Director Nilsson said it is the Board's decision to either have a joint meeting with the other governing boards or take it straight to hearing. Commissioner Rule would like the Board to meet with all of the governing boards involved. It was noted that logistically a joint meeting may require an evening meeting. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:15 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

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

The Board met today at 10:19 a.m. for a weekly meeting with the Director of Information Technology to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Director of Information Technology Greg Rast, Telecom Administrator Eric Jensen, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: Director Rast introduced Eric Jensen who is the new Telecom Administrator; hiring updates; discussion regarding department printer chargebacks and invoicing issues; update on the Nampa Annex move this week and removing old equipment to salvage or dispose; fairgrounds update; and Commissioner Rule thanked Director Rast for doing a great job on restoring the fiber that was cut during construction last Friday. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:34 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

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

The Board met today at 10:34 a.m. for a biweekly meeting with the Fleet Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Fleet Director Mark Tolman, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: purchase orders for up-fitting will be coming through soon as the bids are coming in; U.S. Marshal vehicles are finished and Director Tolman will be billing for reimbursement; discussion regarding radar/radio donation to the City of Parma; Director Tolman is investigating grant options to purchase an armored vehicle; and personnel and hiring updates. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:44 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

BIWEEKLY MEETING WITH THE DIRECTOR OF MISDEMEANOR PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 10:49 a.m. for a biweekly meeting with the Director of Misdemeanor Probation to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Director of Misdemeanor Probation Jeff Breach, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: discussion regarding recent court ruling that came

down from District Court that basically struck down their agreement of supervision. Director Breach said the language in the judgement basically invalidates the entire agreement of supervision. The Attorney General's Office is going to appeal it to the Supreme Court but right now misdemeanor probation basically has their hands tied. They really had to go through and make some quick changes on how they run probation so a lot of the field work is not happening right now. They have cancelled the Parma/Wilder SCOAP for this month and Caldwell's probably won't happen on the 24th either. Director Breach is meeting with the magistrate judges on Wednesday to discuss 4th waiver issues and other topics. Director Breach said another big issue is to try to get some agreement from the judges on some basic conditions of the order on every case they are going to put on supervised probation. Director Breach said he met with HR Director Jeannine Eiband to discuss the salary compensation plan. He also gave an update on hiring and personnel matters. The items discussed were general in nature and did not require Board action. The meeting concluded at 11:01 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION TO ADOPT TITLE AND PAY GRADE CHANGES OF TWO POSITIONS IN THE INDIGENT SERVICES DEPARTMENT

The Board met today at 11:01 a.m. to consider signing a resolution adopting title and pay grade changes of two positions in the Indigent Services Department. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, and Deputy Clerk Kelly Martinez. There were no representatives from Human Resources or the Indigent Services Department present so Commissioner Rule suggested the Board just hold the resolution until they come in and explain it to the Board or wait until the salary adjustments are complete. Commissioner Hanson agreed. The meeting concluded at 11:02 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

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

The Board met today at 2:19 p.m. for a monthly meeting with the Parks Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule and Craig Hanson, Parks Director Tom Bicak, Outdoor Recreation Planner Nikki Schwend, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: Director Bicak reviewed the calendar of events for the first half of 2016; the museum is getting ready for the spring rush; the drywall is complete at Celebration Park; Programs Manager Laura Barbour was invited to be the guest speaker at the December meeting of the Caldwell Kiwanis; they are in the process of writing a

management plan for the vegetative landscape at Jubilee Park; cooperating with the effort to eradicate carp at Lake Lowell remains a priority in the Parks Department and discussion regarding possible grant funding for the project; U.S. Economic Development Administration is the agency that distributes the community block grants and it has lost its conduit to the communities in Southwest Idaho so they are seeking an agency that can act to assist applicants and administer awards for our region; Gem State Disc Golf used Lake Lowell for an event; even though it is winter people are still camping every weekend at Martin Landing and they are experiencing daily visitors at Celebration Park; tomorrow evening is the Historic Preservation Committee meeting; discussion regarding the Wilderness Science Education program; Ms. Barbour is working on additional activities for younger field trip attendees; and SILD workers at the Lake Lowell shop assembled 10,000 boating information packets for distribution to people registering their boats for the 2016 boating season. The items discussed were general in nature and did not require Board action. The meeting concluded at 2:50 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

SECOND DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 12, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

APPROVED CLAIMS ORDER NO. 1-12-16

The Board of Commissioners approved payment of County claims in the amount of \$21,426.84 for accounts payable.

BIWEEKLY MEETING WITH THE JUVENILE DETENTION DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 8:32 a.m. for a biweekly meeting with the Juvenile Detention Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule and Craig Hanson, Juvenile Detention Director Steve Jett, Administrative Specialist Dawn Dennison, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: things are going steady and population is

fluctuating; they are always working on programs for juveniles; training for staff for recognizing red flags for human trafficking victims; Advocates Against Family Violence comes in once a month to do a healthy relationship class for juveniles; National Partnership for Juvenile Services Conference will be held in Denver this year; discussion regarding juvenile justice and delinquency prevention act which is in congress to be reauthorized; the juvenile detention facility is going to be due for PREA audit this year; Juvenile Training Council meeting is tomorrow and Sean Brown and Shawn Anderson are presenting use of force training; the Governor has Director Jett's name on the list for the Board of Juvenile Corrections, however there has been no appointment yet; and facilities issues. The items discussed were general in nature and did not require Board action. The meeting concluded at 8:46 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

EXECUTIVE SESSION - PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 9:00 a.m. for a legal staff update. A request was made to go into Executive Session to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:

Commissioner Hanson made a motion to go into Executive Session at 9:01 a.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 Hanson and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule and Craig Hanson, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. Deputy P.A. Mike Porter arrived at 9:02 a.m. Commissioner Tom Dale arrived at 9:17 a.m. The Executive Session concluded at 9:30 a.m. with no decision being called for in open session.

MEETING WITH MIKE SWALLOW FROM PERSONNEL SYSTEMS AND SERVICES TO DISCUSS COMPREHENSIVE COMPENSATION STUDY

The Board met today at 10:00 a.m. for a meeting with Mike Swallow from Personnel Systems and Services (PS&S) to discuss the employee comprehensive compensation study. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, HR

Director Jeannine Eiband, Mike Swallow from PS&S, Chief Deputy Sheriff Marv Dashiell, Assessor Gene Kuehn, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Brian Stender, Director of Misdemeanor Probation Jeff Breach, Juvenile Detention Director Steve Jett, Chief Civil Deputy P.A. Sam Laugheed, Assistant Trial Court Administrator Benita Miller, Weed Control Superintendent Jim Martell, Chief Probation Officer Elda Catalano, Elections Supervisor Kathy Simon, Treasurer Tracie Lloyd, Chief Deputy Treasurer Nancy Seal, Coroner Vicki DeGeus-Morris, Public Defender Office Manager Deepak Budwani, Clerk Chris Yamamoto, Controller Zach Wagoner, DSD Director Tricia Nilsson, Debbie Lowber from the County Agent's Office, IT Director Greg Rast, IT Assistant Director Don Brown, Court Operations Manager Denise Kennel, Facilities Manager Paul Navarro, Landfill Manager David Loper, Clerk's Executive Assistant Taryn Peterson, Recording Supervisor Bobbi Jo Brown, Raena Bull from the Clerk's Office, and Deputy Clerk Monica Reeves. Sam Laugheed said this is related to the employee compensation survey/audit that's been performed under a contract between Mike Swallow of PS&S and the Board. Mr. Swallow met with the Board in early December and relayed some of his initial conclusions and data and later that evening the various elected officials and department administrators got their own copies of the information specific to their office or department for review. Since then HR Director Jeannine Eiband has been meeting with individual department administrators to discuss questions they have with the process and she had invited the elected officials to such individual meetings. The other elected officials thought those individual meetings would be potentially premature until they had a more complete understanding of the process and conclusions that have been drawn so far and so they are asking that today's meeting be changed to a less formal and less public setting in order for their questions to be answered without potentially exposing the County to additional claims or liability. Mr. Laugheed said his understanding of what's going to happen today is the Board would like to have an opportunity to talk with Mr. Swallow and explain that the immediate circumstances have changed and that there will be a subsequent public meeting at a future date, but it wants the process to continue moving forward by allowing the questions and concerns to be raised. He recommended the meeting be adjourned and that the elected officials and chief deputies meet in a separate room with the HR Director and Mr. Swallow and be able to ask the questions and get some clarification in order to report back to the Board with a scheduled meeting or other information as it might come up. Commissioner Hanson asked if the meeting with the elected officials will be under the purview of attorney-client communication because there are liability concerns. Mr. Laugheed said that's the way they are looking at it now; whenever two members of the Board are present they have to be in public and the information that's discussed naturally becomes a public record. At this point in the process, although there are a number of public records, they also have some that are not public and it is best they remain not public at this time at least until some of the questions are answered. The Prosecuting Attorney has invited the other elected

officials to his office, along with some chief deputies, to have the equivalent of the individual meetings that HR has had with department administrators and ask some broad general questions that will occur in the context of work product, which is a privilege similar to the attorney-client privilege. The documents generated by this process will be available to the Board, Mr. Swallow, and the other elected officials. He said they do not want to make the preliminary documents available to all 700 employees or to the general public until the Board is at that point where it's ready to make a final decision. Commissioner Rule wanted to make sure Mr. Swallow had a chance to express any concerns or comments and to state if he believes this is outside the scope of his contract. He asked if Mr. Swallow is comfortable with the path the County is taking. Mr. Swallow said this is a great exercise we are going to undertake today and all of the questions he has heard are legitimate questions and they reflect on a process, instrumentation and perception. The valuation instrument is a pure perception instrument and the documents that fed into that initially were all job descriptions so we're working from that foundation and they did discover needs in those documents that will be further discussed today - accuracy, consistency - and it will be a great opportunity for department heads and elected officials to reflect on what it is that their mission is and how it feeds into the job descriptions and ultimately back into a job value and a range of pay so it's all connected. Commissioner Dale thanked Mr. Swallow for his willingness to be here and continue the process because in his view this is a process where we are working on an instrument that can be utilized, hopefully, into the future as we look at these types of issues, but obviously it's a tool that has to be sharpened and adjusted and honed to where it fits Canyon County which may be a little different as it's applied in real life and that's what he believes the subsequent meeting is for, to make those recommendations, adjustments, or justify the tool and to make sure it's an instrument that can be understood by the elected officials and the folks within the County so we can move forward. We've come a long ways and we are really close to having a tool that can be applied and he's excited to see the outcome of the meeting. He said the meeting needs to be allowed to take as much time as it needs, it's not restricted to an hour or three hours, and if it needs to go into the afternoon then carry on until the questions are proposed. He's assuming it will take longer than today to figure out the answers to some of the questions but it's a process that needs to be completed to satisfaction so we can all buy into it. Mr. Swallow said that is accurate and true, and there is this point coming up not too far down the road where ownership transitions and the County's in-house team of subject matter experts become those in charge and we are getting close to that. Mr. Laugheed said the meeting should result in a report back to the Board and the creation of additional public documents so it's not like they're going into a black box and going to stay there, they want to do it in a less formal and more candid way and then they will come back for a meeting with the Board. Today's meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

THIRD DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 13, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

APPROVED PURCHASE ORDER

The Board approved a purchase order for the IT Department in the amount of \$5,400.00 to Informa Software.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the IT Department in the amount of \$1,999.00 to BOE.

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Krista Howard.

APPROVED CLAIMS ORDER NO. 1-25-16

The Board of Commissioners approved payment of County claims in the amounts of \$65,992.56, \$62,580.40, and \$174,912.01 for accounts payable.

INDIGENT DECISIONS

The Board met today at 8:31 a.m. to consider indigent decisions. Present were: Commissioners Craig Hanson and Tom Dale, Indigent Customer Service Specialist Ellen Pitcairn, and Deputy Clerk Monica Reeves. The Indigent Services Department recommended the Board make an initial determination of denial for the following cases: 2016-269, 2016-152, 2016-283, 2016-216, 2016-371, 2016-296, 2016-247, 2016-297, 2016-276, 2016-281, 2016-280, 2016-268, 2016-267, and 2016-282, and to make an initial determination of approval for Case No. 2015-1434. Upon the motion of Commissioner

Dale and the second by Commissioner Hanson, the Board voted unanimously to accept the findings for the cases that were read into the record for the initial determination of denial, and for one approval. The proceeding concluded at 8:32 a.m. An audio recording is on file in the Commissioners' Office.

SIGNED MEDICAL INDIGENCY DOCUMENTS

The Board signed the following medical indigency documents recorded as instrument numbers: 2016-001276, 2016-001277, 2016-001278, 2016-001279, 2016-001280, 2016-001281, 2016-001283, 2016-001284, 2016-001285, 2016-001286, 2016-001292, and 2016-001282.

LEGAL STAFF UPDATE

The Board met today at 10:00 a.m. for a legal staff update. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. Commissioner Hanson reported that the Nampa Highway District is planning to install a four-way stop at Robinson Road and Victory Road and eventually at Happy Valley Road until roundabouts can be installed. Commissioner Rule said the City of Middleton has plans for four roundabouts, two at Cemetery Road at 9th and Willis Road and two more at Hartley and 9th. The Board went into Executive Session as follows:

EXECUTIVE SESSION - RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Hanson made a motion to go into Executive Session at 10:03 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) to discuss records exempt from public disclosure and attorney-client communication, communicate with legal counsel regarding pending/imminently likely litigation, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Hanson, Dale and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, and

Deputy Clerk Monica Reeves. Deputy P.A. Mike Porter arrived at 10:21 a.m. Mr. Wesley left at 10:33 a.m. The Executive Session concluded at 10:40 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.

CONSIDER SIGNING A RESOLUTION AWARDING DUTY WEAPON AND BADGE TO RETIRED SHERIFF'S DEPUTY JAMES BISH

The Board met today at 10:40 a.m. to consider signing a resolution awarding a duty weapon and badge to Deputy James Bish who is retiring from the Sheriff's Office. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Mike Porter, Chief Deputy Sheriff Marv Dashiell, and Deputy Clerk Monica Reeves. Chief Dashiell said Deputy Bish has been with the Sheriff's Office for seven years and he will be retiring with 41 years in Idaho law enforcement. He was one of the first members of the city-county narcotics task force and the joint operations with the Sheriff's Office and other offices around the valley and in the west. Deputy Bish has been a very successful property crimes investigator and has taken the lead on a homicide case as well and he has earned the opportunity to have his service weapon awarded to him. Commissioner Dale said he sounds like an officer with an exemplary record and many years of service and he agrees with the Chief that he has earned the award, and he made a motion to authorize the Board to sign the resolution to approve awarding the officer's duty badge and duty weapon to James Bish according to Idaho Code, 31-830. The motion was seconded by Commissioner Hanson for discussion. He said it's important to note that the request fits within the County's policy on awarding badges and duty weapons. Chief Dashiell said the Board initially received two requests; there is another deputy who is retiring with 10 years of service but he was not aware of the policy from 2012 when he submitted the request, he was solely basing it on Idaho statute that only required them to be in PERSI. He respects what the Board has established and said it will help them in the future as they make requests. Commissioner Rule asked if this is a discretionary award by the Board or whether it's a mandatory award by policy. Mike Porter said the statute is a discretionary one, a person in law enforcement who's retiring under the PERSI rules is eligible for consideration for this award but it doesn't require the Board to take action. In 2012 there was an agreement between the Sheriff and Board that 15 years would be the cutoff for exercising that discretion. Following discussion, a roll call vote was taken on the motion with Commissioners Dale and Hanson voting in favor of the motion and Commissioner Rule voting against the motion. The motion carried by a two-to-one split

vote. The meeting concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

FOURTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 14, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

ABSENT: Commissioner Craig L. Hanson - vacation

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Richard Fisher.

CONTINUE MEDICAL INDIGENCY HEARINGS

The Board met today at 8:49 a.m. to go on the record and continue medical indigency hearings. Present were: Commissioners Steve Rule and Tom Dale, Deputy P.A. Leon Samuels, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, and Deputy Clerk Kelly Martinez. Ms. Baker encouraged the Board take Case Nos. 2015-1063 and 2015-1130 under advisement and render a decision within 30 days. Upon the motion of Commissioner Dale and the second by Commissioner Rule, the Board voted unanimously to take Case Nos. 2015-1063 and 2015-1130 under advisement with a decision to be rendered within 30 days. Upon the motion of Commissioner Dale and the second by Commissioner Rule, the Board voted unanimously to continue the following cases by signed stipulation as follows:

- Case No. 2015-1588 was continued to March 3, 2016 at 9:00 a.m.
- Case No. 2015-1160 was continued to June 2, 2016 at 9:00 a.m.
- Case No. 2015-1002 was continued to April 28, 2016 at 9:00 a.m.

The proceeding concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2015-1383

The Board met today at 9:00 a.m. to conduct a medical indigency hearing for Case No. 2015-1383. Present were: Commissioners Steve Rule and Tom Dale, Deputy P.A. Leon Samuels, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, Attorney Mark Peterson, and Deputy Clerk Kelly Martinez. The applicant was not present for today's hearing. Upon the motion of Commissioner Dale and the second by Commissioner Rule, the Board voted unanimously to continue the hearing to June 30, 2016 at 9:00 a.m. The hearing concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2015-1088

The Board met today at 9:08 a.m. to conduct a medical indigency hearing for Case No. 2015-1088. Present were: Commissioners Steve Rule and Tom Dale, Deputy P.A. Leon Samuels, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, the applicant, Attorney Bryan Nickels, Stephen Deville from St. Alphonsus, and Deputy Clerk Kelly Martinez. Upon the motion of Commissioner Dale and the second by Commissioner Rule, the Board voted unanimously to take Case No. 15-1088 under advisement with a decision to be rendered within 30 days. The hearing concluded at 9:23 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2015-1592

The Board met today at 9:26 a.m. to conduct a medical indigency hearing for Case No. 2015-1592. Present were: Commissioners Steve Rule and Tom Dale, Deputy P.A. Leon Samuels, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, Timothy Ryan from St. Alphonsus, and Deputy Clerk Kelly Martinez. The applicant was not present for today's hearing. Upon the motion of Commissioner Dale and the second by Commissioner Rule, the Board voted unanimously to uphold the original denial for Case No. 2015-1592. The hearing concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2015-1600

The Board met today at 9:30 a.m. to conduct a medical indigency hearing for Case No. 2015-1600. Present were: Commissioners Steve Rule and Tom Dale, Deputy P.A. Leon Samuels, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd,

Timothy Ryan from St. Alphonsus, and Deputy Clerk Kelly Martinez. The applicant was not present for today's hearing. Upon the motion of Commissioner Dale and the second by Commissioner Rule, the Board voted unanimously to continue the hearing to March 3, 2016 at 9:00 a.m. The hearing concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

UPHOLD ORIGINAL DENIAL DATES FOR MEDICAL INDIGENCY CASES

The Board met today at 9:34 a.m. to uphold original denials for various medical indigency cases. Present were: Commissioners Steve Rule and Tom Dale, Deputy P.A. Leon Samuels, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, and Deputy Clerk Kelly Martinez. Ms. Baker recommended the Board uphold the previous respective denials in the following cases: Case Nos. 2015-1409, 2015-1452, 2015-1564, and 2015-1513. Upon the motion of Commissioner Dale and the second by Commissioner Rule, the Board voted unanimously to uphold the previous denials. The proceeding concluded at 9:35 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION - RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 10:07 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, communicate with legal counsel regarding pending/imminently likely litigation, and to communicate with the County's risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:

Commissioner Dale made a motion to go into Executive Session at 10:08 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Dale and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule and Tom Dale, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:39 a.m. with no decision being called for in open session.

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

The Board met today at 2:02 p.m. for a monthly meeting with the Fair Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule and Tom Dale, Fair Director Rosalie Cope, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: fair transition plan with regard to IT networking, updating job descriptions, and addressing temporary employees with the HR Department; Director Cope is working with Nancy Seal in the Treasurer's Office for credit card processing and bank accounts; she does not currently have a time set for training on PowerPlan yet but she will be meeting with Western Idaho Fair representatives, Tracie Lloyd and Zach Wagoner; discussion regarding the purchase order process and parameters; Director Cope reported on the Bulls and Broncs event saying there were over 1,500 people in attendance this year; discussion regarding an issue they are having with renting an arena and she would like to put some money into a capital purchase; Director Cope said the fair concert headliners have been confirmed for Friday and Saturday concerts and they are hoping to book a really solid act for Saturday night's concert; Ms. Welch is working on sponsors for this year's fair; discussion regarding fair board members who's terms expire this month; and discussion regarding the need to set some policies regarding smoking at the events center, noise ordinances, and the use of Gabiola Field. There was also discussion regarding the fair building property deed. The items discussed were general in nature and did not require Board action. The meeting concluded at 2:39 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION TO ADOPT TITLE AND PAY GRADE CHANGES OF TWO POSITIONS IN THE INDIGENT SERVICES DEPARTMENT

The Board met today at 2:39 p.m. to consider signing a resolution to adopt title and pay grade changes of two positions in the Indigent Services Department. Present were: Commissioners Steve Rule and Tom Dale, Indigent Services Director Yvonne Baker, and Deputy Clerk Kelly Martinez. Ms. Baker said they have three requests for title changes, however they already have one existing Sr. Indigent Interview Specialist position open so a current employee will move into that position. The resolution is to change one Indigent Customer Services Specialist to a Sr. Indigent Customer Service Specialist and one Indigent Interview Specialist to a Sr. Indigent Interview Specialist. Commissioner Rule said the Board had asked to hold off on these until after the compensation study and asked Ms. Baker why this was being submitted before completion of the study. Ms. Baker said HR Director Jeannine Eiband told her to go ahead and go forward the resolution so with that advice she continued the process at that point. Commissioner

Dale asked if this would increase the workforce in the department or if this is just changing the titles. Ms. Baker said it is just changing the titles, it does not increase the number of employees in the department. Commissioner Rule said he would love to know why Director Eiband would suggest to move forward with this now rather than wait until the compensation study was over and Ms. Baker said Director Eiband indicated that she had requested a resolution for her staff which was recently approved for the HR Department and to move forward with the resolution for the Indigent Services Department. Upon the motion by Commissioner Dale and the second by Commissioner Rule, the Board voted unanimously to sign the resolution to adopt title and pay grade changes of two positions in the Indigent Services Department. The signed resolution, No. 16-009, is on file with this day's minute entry. The meeting concluded at 2:45 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

FIFTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 15, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

ABSENT: Commissioner Craig L. Hanson - vacation

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Skylar Johnson and Jonathan Widick.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Sheriff's Office in the amount of \$9,000.00 to Police Service Dogs, Inc.

APPROVED CLAIMS ORDER NO. 1-25-16

The Board of Commissioners approved payment of County claims in the amounts of \$70,861.76, \$136,848.49, and \$140,165.85 for accounts payable.

LEGAL STAFF UPDATE

The Board met today at 9:00 a.m. for a legal staff update. Present were: Commissioners Steve Rule and Tom Dale, Deputy P.A. Leon Samuels, and Deputy Clerk Monica Reeves. Commissioner Dale said he received an email from Trial Court Administrator Doug Tyler regarding an invoice for some chairs that are needed for a jury box but he hasn't seen the invoice Mr. Tyler referenced but said it sounds like they need some chairs and if they have a low bid the Board ought to allow the purchase. Commissioner Rule said he and Commissioner Hanson saw the paperwork but they had only one quote, which was from Caxton's, and for certain amounts of money he wants more than one source checked out so they asked the Trial Court Administrator to obtain two or three more bids. Commissioner Dale said he wants to be aware of those items when they are presented to the Board. Staff will contact Mr. Tyler's office and ask if he can provide copies of the price quotes for Commissioner Dale to review. The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for:

#16-010 Frank's Restaurants LLC dba Wing Nutz

SIXTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 19, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Maira Martinez, Ellen Pitcairn, Angela Papa, and Jennifer Odom-Mann.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the IT Department in the amount of \$4,350.90 to VLCM.

APPROVED NOVEMBER 2015 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of November 2015 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 SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN

The Board signed the Treasurer's Tax Charge Adjustments by PIN for December 2015.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:31 a.m. for an office staff meeting. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, PIO Joe Decker, Facilities Manager Paul Navarro, Senior Administrative Specialist Jenen Ross, and Deputy Clerks Kelly Martinez and Monica Reeves. Ms. Martinez and Ms. Ross left at 8:35 a.m. Joe Decker reported on the following communication items: He is working with the Prosecutor's Office on some matters; will tour the Nampa annex tomorrow with the Board; Ross Garvin from the Juvenile Probation Department will receive an award tonight from the Nampa City Council and he will post a story on it to the website; and he will attend a website rebuild meeting today with IT staff. Paul Navarro reported on the following facilities issues: the Nampa courthouse has closed and courts are in session in Caldwell today; he had a conversation with Judge Orr about some chairs for a jury box, which resulted in a discussion with the Trial Court Administrator who he will assist with finding chairs for a jury box. There are quite a few used chairs to choose from so he will look through them and find something suitable. A purchase order had been submitted for new chairs but Commissioner Hanson said there was a concern that we needed more than one vendor. Commissioner Dale said they had three vendors and selected the least expensive one which was Caxton's. Mr. Navarro said workers will sound attenuate the wall in the new courtroom and he will ask for a quote to do the

Board's meeting rooms as well. Commissioner Rule said it would be a good addition if it's not too expensive. He will close the Nampa annex and winterize it by Monday of next week. His staff removed some cabinets from the Prosecutor's former location and they are being repositioned in the IT training room; the IT Director has also asked for a small remodel project. The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

RECEIVE WRITTEN RECOMMENDATION FROM COMMITTEE FOR CANYON COUNTY FAIR CARNIVAL RFP; AND CONSIDER SIGNING NOTICE OF INTENT TO AWARD CANYON COUNTY FAIR CARNIVAL CONTRACT

The Board met today at 8:48 a.m. to receive the selection committee's written recommendation for the Canyon County Fair Carnival RFP, and consider signing notice of intent to award the Canyon County Fair Carnival Contract. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Zach Wesley, Fair Director Rosalie Cope, and Deputy Clerk Monica Reeves. Director Cope said there was a selection committee of four members who met to review the three proposals and ultimately it was their recommendation to the Fair Board that Brown's Amusements, Inc., from Mesa, Arizona, be selected. The Fair Board is making that recommendation to the Board of Commissioners as well. Ms. Cope reviewed the results of the score sheets in which Brown's Amusements obtained the highest scores. At 9:00 a.m. the Board was scheduled to authorize the recommendation for a notice of intent to award the Canyon County Fair Carnival Contract, and at 8:55 a.m. the Board went off the record to await for the appointed time. At 9:01 a.m. the Board went back on the record. Zach Wesley said the County has gone through the RFP process and the Board has heard a recommendation for Brown's Amusements, which scored considerably higher than the other proposals and has a number of other benefits to offer. Commissioner Dale said Brown's Amusements appears to be markedly superior and he made a motion to authorize the Prosecutor's Office to prepare a notice of intent to award the Canyon County Fair Carnival Contract. The motion was seconded by Commissioner Hanson and carried unanimously. Mr. Wesley said a contract will be presented once the terms are worked out. The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER A RESOLUTION ADOPTING NON-DISCRIMINATION PROCEDURE AND A RESOLUTION APPOINTING TITLE VI AND A.D.A. COORDINATORS FOR CANYON COUNTY

The Board met today at 9:04 a.m. to consider a resolution adopting a Non-Discrimination Procedure and a resolution appointing a Title VI Coordinator and an A.D.A. Coordinator for Canyon County. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. Zach Wesley said the County has federal grants which require compliance with certain terms with federal law, civil rights, and the A.D.A. He has been working with the Idaho Transportation Department (ITD) to do an audit of our transportation grants that the Sheriff's Office, Auditors' Office, Parks Department, and the Weed and Gopher Control Department received, which have totaled close to \$800,000 over the last three years, and he's found that we're a little behind on some of our policies and on having the coordinators appointed in the right areas. Today's resolutions include a non-discrimination policy statement and a non-discrimination complaint form. There is a civil rights aspect and it would allow a grievance process; it's a policy created by ITD and is very similar to the policies we already have in place for the A.D.A. There is a complaint form that would go to our Title VI or our Civil Rights Coordinator that a member of the public could fill out and it would provide detailed information for the County to investigate. There is also a statement that says the County will comply with federal law. There is also a resolution to appoint a coordinator so we have contacts and people in charge of these two issues at the County, the first of which is an A.D.A. Coordinator, but the last resolution we have is from 2006 and at that time it was former Clerk Noel Hales. Mr. Wesley said at the Chairman's suggestion they put the facilities manager position as the A.D.A. Coordinator so that the title will transfer with the position. We already have an A.D.A. grievance policy in place and Paul Navarro has a fairly current A.D.A. plan from 2011. We also need to have a Title VI Civil Rights Act Coordinator to work with ITD on this current review. Jeannine Eiband was the recipient of the letter and has been working on that with Mr. Wesley and she suggested that Gary Deulen serve in the position but it might be cleaner to appoint the position of the Human Resources Director as the Title VI Coordinator, at least on an interim basis, and if someone else comes forward and wants to do it we can change the resolution and that way if Ms. Eiband wanted to she could delegate her responsibilities to someone else in her office and have them perform work under the title. Upon the motion of Commissioner Hanson and the second by Commissioner Dale, the Board voted unanimously to approve and sign the resolution adopting a Non-Discrimination Procedure as well as a resolution appointing a Title VI Coordinator and an A.D.A. Coordinator for Canyon County. (See Resolution No. 16-011, and No. 16-012.) Mr. Wesley said it's likely we will see some more issues to do with this review with ITD and there will be more information coming back to the Board since we're not quite done

with it. Some of the attachments to the resolutions are blank so Mr. Wesley will fill them out with the correct information and bring them back for the Board's signatures so the correct versions can be attached to the resolutions. The meeting concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

BIWEEKLY MEETING WITH THE CHIEF PROBATION OFFICER TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 9:36 a.m. for a biweekly meeting with the Chief Probation Officer to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Probation Officer Elda Catalano, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: there are currently 250 juveniles on court ordered supervised probation; there are about 50 juveniles informally in the system which are supervised based on the risk and the need; Ms. Catalano said they have been working with the juvenile prosecutor for the last few years to better serve those juveniles while preventing them from coming into the system by providing a variety of services; the number of reports that the juvenile probation officers have been sending to the court has been declining over the past year; in any given month the juvenile probation department preforms about 600-700 UA's in-house and outsource which is for all juveniles on probation including those informally in the system; the juvenile probation officers performed about 300 home visits this last month specifically and about half of those there were additional visits made at the office; probation officers are also required to visit juveniles in different programs (work or school) and they made about 95 of those visits last month; juveniles on probation completed approximately 400 hours of community service last month; discussion regarding restitution, cost of supervision, as well as juvenile justice fees; they continue to have a steady number of juveniles coming into the system however that number has declined, this past year they had about 800 juveniles petition into court as opposed to as 1,400 in years past; in total about \$38,000 was collected in restitution in 2015; Probation Officer Ross Garven will be recognized by the City of Nampa for all of the great things he is doing with juveniles on probation; and all positions are currently filled. The items discussed were general in nature and did not require Board action. The meeting concluded at 9:44 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

BIWEEKLY MEETING WITH THE HUMAN RESOURCES DIRECTOR TO DISCUSS
GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 9:48 a.m. for a biweekly meeting with the Human Resources Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Human Resources Director Jeannine Eiband, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: Director Eiband said she is aware the Board had a meeting about Title VI on Friday and she is happy to see that moving forward; she will be meeting with IT again today on the performance evaluation project which is well underway; Director Eiband is conducting interviews for the last generalist position and administrative position; there are eight new hires starting today; and the HR Training and Development Specialist is working on creating a turnover analysis that can be used for each office. Director Eiband asked if there would be more communication coming out about how Friday's meeting regarding the compensation project went and asked if there was a consensus on some things. The Board did not have an update for her at this time. The items discussed were general in nature and did not require Board action. The meeting concluded at 9:54 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

BOARD OF EQUALIZATION - SUPPLEMENTAL ROLL HEARING FOR TRINITY
NEW HOPE, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:04 a.m. to conduct a supplemental roll appeal hearing for Trinity New Hope, LLC. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Deputy Assessor Joe Cox, Assessor's Senior Administrative Specialist Jennifer Loutzenhiser, Assessor's Appraisal Supervisor Brian Stender, Deputy P.A. Brad Goodsell, Tami McHugh, Pastor Meggan Manlove, Attorney Matthew Johnson, Judy Kellar, Lloyd Kellar, Cathy Winwood, Penelope Smith, Bob Torrey, Jared Bryan, Tamra Romine, Karen Hunter, and Deputy Clerk Monica Reeves. Jennifer Loutzenhiser said this is an appeal on the supplemental roll because of a change in status in exemption under Idaho Code 63-602(y). The property transferred from an organization that had applied for a property tax exemption and received that exemption and this organization that now owns the property is an LLC without an IRS exemption of its own and that's why the Assessor looked at it and said the exemption that Mercy Housing enjoyed for the first of the year does not apply now that the property is owned by the LLC. She said the LLC states that it is fully owned by the church, which is a nonprofit organization, so their exemption should flow to the LLC, and the reason the property is owned by the LLC is to protect them from liability. We have a situation where they want the church and the

LLC to be two separate entities when it comes to liability if they were to be sued but they want to be considered one entity when it comes to property taxes and a property tax exemption. Brad Goodsell said he hasn't been involved in this case at all but if the Board wants to hear testimony and get everything on the record then maybe it can defer a decision until he has an opportunity to look at the legal issues. Tami McHugh, President of Trinity New Hope, LLC, said the church is surrounded by 16 single family homes that have been New Hope since 1992 and they are part of the church community. In 1992 the church formed a task force to decide what to do with the property and they entered into a development agreement with Mercy Housing to develop an affordable housing community to provide high quality low cost housing. The property was called "New Hope". Ms. McHugh said the years 1992-1995 were very difficult time because nobody wanted affordable housing in their back yard, but in 1995 the construction of the 16 homes began. They partnered with Mercy Housing to build the improvements and it was subject to a 50-year land lease that Trinity Lutheran Church has held the entire time and at the end of the lease all improvements will revert to the church. It was a unique situation that protected the church and allowed them to have ministry there and Mercy managed the properties from 1995 until 2014. In the fall of October 2014, Pastor Meggan Manlove received a call from Mercy Housing in Denver about their need to liquidate the holding and whether the church would cooperate with allowing them to sell the property. There are significant deed restrictions on the property that protect not only the land lease but the affordable housing ministry. A task force was started and they met with legal counsel and the Assessor's Office to discuss different ways of structuring things and after a series of meetings with the Idaho Housing Authority (IHA) they agreed that Trinity Lutheran Church was the only viable entity who could buy the improvements because of the deed restrictions and the land lease. Shortly into the due diligence period, IHA made an offer of 100% financing as long as the church bought the properties; however, there needed to be an entity to provide a legal veil to protect the church from frivolous lawsuits. IHA felt strongly that they needed a nonprofit management company that would be skilled in affordable housing because it's a very complicated scenario but it was explained that in order to retain the tax exemption it needed to be owned and managed by the nonprofit. The congregation decided it would proceed with it and hire management, and IHA agreed to approve the management if the church agreed to self-manage. Ms. McHugh said the legal entity was formed to protect the church but it is a disregarded entity in the eyes of the IRS; it receives its tax exemption and nonprofit status from the 501(c)3 as a disregarded entity. The use hasn't changed, the people served hasn't changed. Pastor Meggan Manlove spoke about how the congregation is all about mission and ministry. Matthew Johnson, the attorney representing Trinity New Hope, said a supplemental packet was submitted with a lot of information and detail so rather than repeat it he will key on two important points. He said a lot hinges on the change of entity from Mercy Housing to Trinity New Hope and the Assessor's Office focused that Mercy had had an IRS exemption but he

thinks it's been missed that the church, for IRS purposes, keeps its exempt status from taxation under the IRS disregarded entity rules where it is the sole member of an LLC so the exemption carries through even with the change in the owner to Trinity New Hope. He said Idaho Code, Section 63-602 (c) refers to exemptions from taxation for charitable limited liability companies. The Idaho Supreme Court has adopted an eight step questions test and in his supplement he's numbered them 1 through 8 and they match up exactly with the questions the Supreme Court would ask and then it goes into all of the detail which is what Ms. McHugh has provided as to how this situation answers those questions in the affirmative that this is a charitable entity that should have the exemption. Ms. Loutzenhiser said the disregarded entity is an IRS rule that applies to income tax so it's not appropriate to apply an income tax rule to a property tax exemption. Typically, for a lot of these exemptions, as a first step basic requirement the Assessor asks that they have a nonprofit designation through the IRS for income tax purposes and the situation here is that the LLC does not have one of their own. It is possible for LLC's to have an income tax exemption. She said nonprofit low income housing is complicated with a lot of details and levels of government and different types of taxes to look at but she doesn't think this is an unfixable situation. If the LLC was reorganized and had their own nonprofit status for IRS purposes the Assessor could entertain an application for them. She doesn't believe it would be appropriate to continue Mercy Housing's exemption for 2015. The Assessor valued the property at just over a \$1 million and although their appraisal came in at \$697,000 and they purchased it for \$655,000, she feels it would be an appropriate concession to reduce the assessed value to the purchase price. Mr. Johnson said Ms. Loutzenhiser said this is an income tax rule and therefore it doesn't apply and yet she referenced the IRS's treatment of this for income tax purposes for making a determination and those things to him seem to be in conflict. It's requiring the entity to take on additional steps and costs to do something it doesn't need to do for IRS purposes. As far as the IRS is concerned because it's a sole member LLC and under the disregarded entity rules the exemption of the underlying member carries through so to require this additional step is a little bit of bureaucratic nonsense. Ms. Loutzenhiser said the disregarded entity and single-owner LLC is not really anything new, they have seen it before in other nonprofit organizations where the owner was a nonprofit organization but they had a management company they owned that was a for-profit LLC and they lost their exemption for that reason. Most recently the Idaho Youth Ranch had a case where they held property under an LLC and they were not able to win a case at all levels all the way up to the Supreme Court. Joe Cox said the land previously enjoyed an exemption because the church leased it to Mercy for a \$1 a year for 50 years and the Board previously deemed that to be charitable so the land qualified under a charitable exemption. The second exemption was qualified by Mercy Housing under Idaho Code 63-602(gg) and there are different requirements of managing a Section 42 low income housing with a management style, there are a lot of different steps and Mercy has

always qualified for that exemption and now they are purchasing the property and combining. He said the biggest hurdle for Trinity was that since it's a Section 42 you can't hire a normal management company, they must have a lot of experience with Section 42. The church went through the steps to get a qualified manager - they've gone through the correct steps so that's not a hurdle for them; what we are questioning is how the LLC is structured and whether it meets the qualifications because when you look at the qualifications of Mercy it's not the same it doesn't transfer equally across. Mr. Cox said he would like to give legal counsel an opportunity to review the information to see if the Assessor's position is correct. He also said the County is willing to make a concession on the tax assessment. Mr. Goodsell said he will have to review the information that's been submitted and that can be done in one week. Tamra Romine, the manager for Trinity New Hope, LLC, said she is the manager who came from Mercy Housing. The management style in terms of what is needed to help the families and to assist the church in its mission is the same; the only difference in management is that the church is managing the original mission as it was intended. The hearing will be rescheduled in a couple of weeks once legal counsel has reviewed the information. The hearing concluded at 10:44 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION - HEARING IN THE MATTER OF THE PROTEST OF VALUE FOR THE NAMPA DEVELOPMENT CORPORATION

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:48 a.m. to conduct a hearing in the matter of the protest of value for the Nampa Development Corporation (NDC) for the 2015 Supplemental Roll. The property is identified as PIN No. 13415011 0. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Deputy Assessor Joe Cox, Assessor's Senior Administrative Specialist Jennifer Loutzenhiser, Assessor's Appraisal Supervisor Brian Stender, Deputy P.A. Brad Goodsell, Attorney Bill Punkoney, NDC Assistant Director Robin Collins, and Deputy Clerk Monica Reeves. Bill Punkoney, the attorney representing the NDC, said we are here to talk about a tax exemption for an urban renewal agency and much like the Commissioners, the Nampa Urban Renewal Agency - NDC - is a legal entity and all powers and abilities are created under law and the laws dictate how they are treated for all purposes, how they govern their business, what they do with their money, and how they are taxed. The NDC was established in October of 2004 and the urban renewal area was established and became effective on January 1, 2006 and the plan was amended in 2007. The property at issue is the new library parking structure that has been developed in downtown Nampa located at 1100 3rd Street South. The question is how is an urban renewal agency treated for purposes of property taxation under the laws of the State of Idaho? He referred to Title 50, Chapter

20, which is the urban renewal law and said the property of an urban renewal agency acquired or held for the purposes of this act is declared to be public property used for essential public and governmental purposes and effective the date an urban renewal agency acquires title to such property it shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision therefore provided that such tax exemption shall terminate when the agency sells, leases or otherwise disposes of such property in an urban renewal area for redevelopment to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property. He said this is the law that applies to answer the question of whether or not property owned by an urban renewal agency should be exempt from taxation. This is a specific exemption for property owned by an urban renewal agency, but if the property is leased or sold for redevelopment then that exemption expires. It's his understanding that the basis for termination of the exemption is what's being called parking space leases and there are 12 spaces (out of 300) which have been granted inside the parking structure. Mr. Punkoney said the rules that the Supreme Court uses when it construes the meaning of a statute is to give meaning to each word and you don't omit any words so it comes down to whether the fees that are being charged for the spaces create a lease for redevelopment, which means reconstruction, renovation, changes to the property. All the agreements do is on a monthly basis allow people to park their cars. They do not define the spaces or go beyond a month. There is no change to the property whatsoever, it's an option to pay a monthly fee. The agreements are monthly payments, not leases for redevelopment and they do not trigger the termination of the exemption. This property is exempt from taxation. Mr. Punkoney said the leases have been accepted in Ada County and have not triggered a termination of any exemptions there. A key point in a property lease is describing the property and in this instance none of the agreements describe any specific space, it's basically an entry fee so if all spaces are full the parking person would be out of luck. They merely grant access to the facility and are a monthly fee for access. He said they have changed the forms to parking fee agreements and 7 out of the 12 have re-signed what's called a fee agreement and the leases are no longer in effect. He said the County provided a screenshot of the City of Nampa's webpage that identified them as leases and that is a term that was used loosely by staff and doesn't accurately describe what's being done so those webpages have been changed to identify that they are not leases, they are in fact fee agreements. He said the property, prior to being a parking structure, was owned by the City of Nampa and because it was owned by the city it had zero taxable value through the current date and it was transferred as part of a land swap to the NDC and despite that fact it's being assessed at over \$400,000 in assessed base value in excess of \$3 million in the improvement values based on the notion it's come back on to the tax roll but his response to that is that it never should have been on the tax roll because it is owned by an urban renewal agency and has not been leased for redevelopment so that's not a reason to assess this value to it. He said even if you presume this would terminate the

exemption for the Nampa Urban Renewal Agency you have to talk in terms of what's actually happening. The parking structure consists of over 102,000 square feet and each parking space is 9 feet by 18 feet which means the 12 spaces, if fully occupied, constitute 1.8% of the total building so if there is to be an assessment it should be factored by that 1.8% to represent the actual area that's being leased, but the tax bill represents a taxation of the entire building when only a small portion is subject to fee agreements. Mr. Punkoney said the fee agreements do not generate net profits. During the current fiscal year the total year-to-date revenue from all parking is \$5,078.75, and the total year-to-date expenses are \$68,970.27 which results in a net deficit of \$63,891.52 and we're only three months into this fiscal year. The assumptions for budgeting for the total expenditures are expected to exceed \$107,850. The total budgeted revenue is \$28,800, but they are going to fall short of that \$28,000. If you add into the agreement that the NDC has entered into with the city for maintenance and cleaning of the structure the total deficit expected for this year is \$90,636.93 so the notion that this is a profit making engine is completely false. He said even if there was revenue generated this project was funded by public bonds and the bonds require repayment and any net revenues have to be applied in advance to paying off those bonds. He said taxing a parking structure, which is owned by a public taxing entity and that's defined as public property used for essential public and government purposes, is just bad policy. The net result is shifting public funds from one pocket to another; it's increased bureaucratic churning of public tax dollars. Taxing the entity doesn't make any sense; any tax levy on NDC property would only be paid within NDC's tax dollars and so in addition to the wastefulness of shuffling money from one taxing entity to another and then back again the net effect results in double taxation of those who are supporting and who are taxed for the urban renewal agency. The property taxes were not budgeted for or anticipated by the urban renewal agency so the imposition may also jeopardize the ability of the agency to pay the taxes. He said the most important point is that the statute requires that the lease or sale of the property be for redevelopment to lose that exemption from taxation and to read it in the way that the Assessor would like to have it read results in omission of the words: "*for redevelopment*". You cannot do that under the rules of interpretation established by the Supreme Court and for those reasons the exemption for the parking structure should remain and should not be terminated. Robin Collins said because this project was done through bonds the IRS does not allow them to rent a space to a business, it has to be to an individual person only. She said they have tried to be proactive and change the language to make sure that it simply states it is a monthly reduction in the fees if a person chooses to sign up to pay monthly instead of paying by day or by the hour. Commissioner Hanson said the County is completely taxed by the NDC on that process and so that's every taxpayer in Canyon County who pays a fee for that to happen so in effect that's creating a tax on other entities to pay for something that Nampa has put into place. Mr. Punkoney disagreed. Tax dollars fund NDC so the vast majority of expenses are paid for with tax dollars and

so in essence you'd be taking tax dollars and giving them to the NDC and the NDC would send them back to the County so you'd have a shuffling of tax dollars. Commissioner Hanson said that's a shuffling of tax dollars and if taxes are taken in from the County and then given to the NDC to build something that is not a good business plan because of the fact that it's not making a profit or breaking even and thereby the position is that this is being taken back. He said we are just trying to collect back tax fees for the County to get back their money. Ms. Collins said that is incorrect. When an urban renewal district is formed the tax dollars are the same tax dollars the County would collect for taxing districts, they're just reallocated to go to the urban renewal agency and we are still benefitting from that and in the end the County will get that money back. As far as the parking garage not making money, none of the parking makes a revenue. It is a public amenity for the community. There was always hope that they would make revenue so they could pay the bonds off faster but there was never any guarantee that that would happen especially this quickly because this is the first parking garage in Nampa and it's going to take time for people to get used to paying for parking. Mr. Punkoney said it's not a question of whether urban renewal agencies are good policy. This agency was established under the laws of the State of Idaho and it operates as intended by the legislature. The agency basically collects the increase in taxation that occurs within that urban renewal area and if we funneled those dollars back they are only being paid with existing tax dollars, they are not new funds or revenue. It's going for the same public purpose. Commissioner Hanson said urban renewal has taxed the County populous outside of Nampa city with regard to taking monies for County infrastructures that are being established so we are going to disagree on this issue. In response to Commissioner Rule asking Joe Cox for his position on redevelopment, Mr. Cox said the property has already been redeveloped. It used to be owned by the city as a bare lot and urban renewal has come in and developed it as a parking garage. Mr. Punkoney said that's not what the statute says. The purpose of the sale or lease has to be for redevelopment. Mr. Cox said if everything was free with no leases, rents or licensing more than likely the Assessor would have taken the stance that it remain exempt. He said all spaces can be rented provided that such exemption shall terminate when the agency sells, leases or otherwise disposes of it and when the property is available for rent that triggers a red flag for review. Commissioner Rule said the 12 rental spaces seem to be critical to this and he asked why the NDC doesn't do away with them because the problem would then go away. Mr. Punkoney said they have been done away with, but five remain and in the past two weeks seven of them have been restructured into a fee agreement. Commissioner Dale said the city has charged for parking on bare lots in downtown for years and they remain exempt because they are city properties and he hopes the Assessor is not going to evaluate all parking lots that are being leased. He's confused as to how one applies and one doesn't. Mr. Cox said it doesn't have any bearing on leases so where the city owns a parking lot it's automatically exempt by statute, but an urban renewal lease

triggers a different status. They are charging rent to use a space. Ms. Collins said they are not renting, leasing, or charging any fee for redevelopment; the redevelopment has been done. Mr. Punkoney said if the legislature had intended for fees to trigger a termination of the exemption then they would have put fees in the statute. He said the word "or" does not do anything to segregate these words because you don't sell and lease the same piece of property and dispose of for other purposes. It's read inclusively that if you sell it, lease it or otherwise dispose of such property in an urban renewal area for redevelopment. Brad Goodsell inquired how the parking fees are collected. Mr. Punkoney said a ticket is given and a person pays based on the amount of time they spend inside the building. Ms. Collins said they run their garage exactly the same way the garages in downtown Boise are ran. Mr. Goodsell asked if NDC would consider that garage to be taxable if they were to lease the entire structure to a parking management company. Ms. Collins said the City of Boise does that and they are tax exempt. They have a management company that manages the entire garage and they collect the money and they keep a portion of the fee and give the money to the City of Boise. Mr. Goodsell said the statute addresses what happens when the agency decides to sell or lease for redevelopment, but it's silent as to what happens when they develop it and then sell or lease. For example, the City of Caldwell leases a building to Treasure Valley Community College; the city did the redevelopment and leased it to TVCC. He asked if they leased that to a business would that then become taxable. Mr. Punkoney said the question becomes what is for redevelopment, and, the language said to a purchaser or lessee which is not a public body entitled to tax exemption. Mr. Goodsell said if you sell or lease to a public entity they have another exemption that applies, but if you lease to a business are you taking the position that the property is not taxable by the County if your development agency leases something you have developed and they lease it to a private business that property is not taxable? Ms. Collins said they do have some property through NDC that they lease and they pay taxes on those, but the position on this one is this is a property that they have redeveloped and they are not leasing or renting, they are simply charging a reduced monthly fee for them to use it. Mr. Goodsell asked if they agree that if they develop property and lease it, it becomes taxable, but in this case are they saying they are not leasing the property? Mr. Punkoney said they are not leasing it nor are they leasing it for redevelopment. Mr. Goodsell asked if their leased property was developed by their agency or by someone else. Mr. Collins said they did not develop it but the property that's being leased, which they pay taxes on, was purchased for redevelopment. Mr. Punkoney said a specific piece of property doesn't have to be used specifically for redevelopment, it just has to be used consistent with the plan. Mr. Cox said one of his points was how the land is treated whether its base or increment, and Idaho Rule 804 addresses how the County should look at the land. When a parcel that was exempt at the time the RA was established becomes taxable, the base value is to be adjusted upwards to reflect the estimated value of the parcel at the time the RA was established. It's saying that when

the property goes from exempt to taxable he would look back in 2006 when the urban renewal agency was developed, whatever the land value was at that point would now come on the tax roll and would be considered base and any type of appreciation above and beyond that would be considered increment. Mr. Cox gave examples of property owned by Caldwell Urban Renewal Agency and at different points in time it was leased to a tenant. They leased it out to a business and the Assessor assessed it and the agency paid the property taxes. Another example is the Taco Time property in Nampa and the Farmer's Market in Nampa where taxes were paid. Mr. Punkoney said the examples support their point that it's when the property is leased for redevelopment purposes. Commissioner Hanson said there are some legal questions, but at this point if he were to do anything he would favor the County's side, not NDC. Commissioner Rule said he is not an expert to decipher the legalities, and there are courts and state boards that are trained to do that. Commissioner Dale said it is a complex issue and it seems pretty clear that when you read the law you read the language that this is a property that by statute is owned by an urban renewal agency which is extended a tax exempt status and it's clear that the 12 spaces that are being paid on a monthly basis do not work up to the level that this is being leased for some sort of redevelopment outside of what the garage purpose was originally intended, which is to supply parking for the library and downtown businesses as a public amenity. He said it deserves to have a tax exempt status and that's clear. Commissioner Dale made a motion to grant the tax exempt status as requested by the City of Nampa. Commissioner Hanson needs more information with regard to definition of terms because the law said the tax exemption shall terminate when the agency sells, leases or otherwise disposes of and there is a bit of redevelopment in regard now if we're talking physical or contractual redevelopment it's still redevelopment as defining the term. If they are leasing this out to other entities then it is in fact a lease and it is a redevelopment of what has been established and that is one of the main questions so until he gets further information on that he cannot support the motion. He said his motion is to refer this to legal for some clarification with regards to the presentation that Mr. Punkoney has presented and look through that before he is willing to go forward one way or the other. Commissioner Rule said his position is to uphold and send it to district court or to the state tax board. Mr. Goodsell said he has not had a chance to review everything on this case but if the Board wishes to continue this to a future date he will review it and vet the issues a little more with Mr. Punkoney. Upon the motion of Commissioner Dale and the second by Commissioner Hanson, the Board voted unanimously to continue this to an undetermined time in the future. Commissioner Rule said the County will provide at least a week's advance notice of the new hearing date. The hearing concluded at 11:45 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:38 p.m. for a weekly meeting with the Director of Information Technology to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Director of Information Technology Greg Rast, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: update on the fairgrounds project which is scheduled to be changed over January 25; the Nemo-Q project at the DMV is finally finished; the move from Nampa Annex is mostly complete and they will be cleaning out network items from the Annex; the Prosecutor's Office move is pretty much done; the Clerk's Office move is mostly done; and discussion regarding camera systems throughout the County campus. The items discussed were general in nature and did not require Board action. The meeting concluded at 2:50 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE PUBLIC DEFENDER TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 2:50 p.m. for a monthly meeting with the Public Defender to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Public Defender Tera Harden, PD Office Administrator Deepak Budwani, and Deputy Clerk Kelly Martinez. Solid Waste Director David Loper arrived at 3:10 p.m. for the next meeting. Topics of discussion included the following: review of the fiscal year budget year-to-date actual totals; minutes spent on cases are still averaging over 2,000 minutes per week and most of her lawyers are spending more than 2,500 minutes per week; discussion regarding caseloads and there are 3,303 open cases in Justware, 892 of which are felony cases; there are 89 open paper files; there have been 115 cases conflicted out this fiscal year from the Public Defender's Department; and Ms. Harden said the Prosecutor's Office recently filed a death penalty notice for a homicide case and all three Public Defender lawyers need to be approved and qualified by the Supreme Court to even work on the case. In addition to that they have two investigators assigned to the case and they will be having enormous costs as it relates to experts. Ms. Harden reviewed statistics regarding death penalty cases in Idaho. It is Ms. Harden's personal opinion that it is the most fiscally irresponsible thing that can be done by anyone in a Prosecutor's Office and the costs will be staggering. At 3:12 p.m. a request was made to go into Executive Session as follows:

EXECUTIVE SESSION - PERSONNEL MATTER AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Dale made a motion to go into Executive Session at 3:12 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (i) to discuss a personnel matter and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Hanson. A roll call vote was taken on the motion with Commissioners Hanson, Dale and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Public Defender Tera Harden, PD Office Administrator Deepak Budwani, and Deputy Clerk Kelly Martinez. The Executive Session concluded at 3:24 p.m. with no decision being called for in open session.

The meeting concluded at 3:24 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 3:28 p.m. for a monthly meeting with the Solid Waste Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Solid Waste Director David Loper, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: waste amounts are up 2.4% in December and Fiscal Year to date amounts are up 13%; Operational Plan recertification has been completed; 10 bull portable fences are done being built and waiting to be shipped; hiring and personnel updates; SWANA Conference will be held April 4 through April 7 in Charleston; discussion regarding a code enforcement patch and possibly using a new design; discussion regarding purchasing survey equipment; an update on the Sugar Avenue property; discussion regarding soil usage as a result of status report update; they need to redo those volume calculations and legal counsel will be discussing it with the Board and there is a change order scheduled for Friday at 9 a.m.; and storm water ponds are mostly empty right now. The items discussed were general in nature and did not require Board action. The meeting concluded at 3:54 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

SEVENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 20, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

APPROVED CLAIMS ORDER NO. 1608

The Board of Commissioners approved payment of County claims in the amount of \$1,364,540.81 for a County payroll.

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Brandi Hukill, Dana Nyman, Shelby Wilson, Julie Cornell, Crystal Laleman, and Mary Gomez.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Development Services Department in the amount of \$1,098.85 to Henricksen Butler.

APPROVED PURCHASE ORDER

The Board approved a purchase order for Facilities Management in the amount of \$1,191.00 to Inselman Plumbing and Excavating.

TOUR NAMPA COURTHOUSE/ANNEX FACILITY

The Board met today at 8:30 a.m. to tour the Nampa courthouse/annex facility located at 120 9th Avenue South in Nampa. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Facilities Manager Paul Navarro, Deputy P.A. Brad Goodsell, PIO Joe Decker, Creed Herbold, and his associate, from Gold Star Realty, and Deputy Clerk Monica Reeves. The facility was recently vacated when operations were relocated to the courthouse in Caldwell so the Board is interested in selling the property at public auction. Mr. Navarro was contacted by the adjacent property owner (Gold Star Realty)

who is possibly interested in purchasing the property and they joined the tour. Mr. Herbold would like to further inspect the building and talk to his business partner, Robin Moffitt, and they will let the County know in a couple of weeks whether they will make an offer on the property. No Board action was required or taken; the tour was conducted for information purposes only. The tour concluded at approximately 8:55 a.m.

INDIGENT DECISIONS

The Board met today at 9:45 a.m. to consider indigent decisions. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Indigent Customer Service Specialist Ellen Pitcairn, and Deputy Clerk Monica Reeves. Ellen Pitcairn read the following initial determination of denials into the record: Case Nos. 2016-207, 2016-188, 2016-306, 2016-315, 2016-187, 2016-228, 2016-397, 2016-318, 2016-302, and 2016-305. She also read the following initial determination of approvals into the record: Case Nos. 2016-300 and 2016-158. Upon the motion of Commissioner Hanson and the second by Commissioner Dale, the Board voted unanimously to accept the findings of the indigent department and issue the statement and sign the initial denials and the approvals. The proceeding concluded at 9:47 a.m. An audio recording is on file in the Commissioners' Office.

SIGNED MEDICAL INDIGENCY DOCUMENTS

The Board signed the following medical indigency documents recorded as instrument numbers: 2016-002103, 2016-002104, 2016-002105, 2016-002106, 2016-002107, 2016-002102, 2016-002101, 2016-002100, 2016-002099, 2016-002098, and 2016-002097.

PUBLIC HEARING TO CONSIDER ORDINANCE AMENDMENTS, CASE NO. ZOA-PH2015-23

The Board met today at 10:00 a.m. to conduct a public hearing to consider ordinance amendments for Case No. ZOA-PH2015-23. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, DSD Planner Christian Samples, Dave Jones, Alan Mills, Craig Bennett, Dave Wardhaugh, and Deputy Clerk Monica Reeves. DSD Director Tricia Nilsson arrived at 10:03 a.m. Today's hearing was continued from December 9, 2015. The Development Services Department is requesting the Board review proposed changes to the driveway and private road standards to correct errors, update definitions of right-of-way public road and private road, update code references to public streets in

several sections, create standards for road user maintenance agreements, provide design and construction standards for driveways serving two properties and private roads and update standards for private road improvements in a subdivision. It was originally noticed for a hearing in October of 2015 and the Board requested a citizen workgroup to review the ordinance; the workgroup's comments are included in the staff report. Christian Samples reviewed the proposed ordinance, section by section, a copy of which is on file with this day's minute entry. Dave Jones from Canyon Highway District No. 4 testified in favor of the amendments and is pleased to see that the private road standards match the Association of Canyon County Highway Districts' standards. The district is neutral on the section dealing with existing private roads where it will be bumped up from two permanent dwellings to four. It seems to be saying if you want to up your average you lower your standards and although they would prefer not to see that adjustment they are not opposed to it. Alan Mills testified in opposition on behalf of some local gravel companies. He agrees with the majority of the amendments but said there are some major concerns which he summarized as follows: He would like to see the word *describes* be changed to either *identify* or *names* when referring to the responsible parties for recorded road users maintenance agreements. There needs to be more information in the section that refers to a violation for the failure to maintain a previous approved driveway or private road. Private roads and driveways would be well served with 9 inches of pit run but not the -6 inch in. The requirement will add \$2 a foot to pit run costs because you'll either have to screen it or hire an engineer to watch it and the cost for private driveways and private roads will go through the roof. He wants the -6 portion eliminated and leave it at 9 inches of uncrushed aggregate. Mr. Mills said it seemed like the workgroup was in agreement to put four people on a private road that was 20-feet wide with the standards of 9 inch/4 inch, but it is conditioned upon having an existing driveway before you can do that and that seems like overkill. He would like to have more discussion on the cost of an engineer to watch a driveway being built, and he believes that burden should be on the contractor; they should have to warranty it and certify that it's built to the standard in the ordinance. Mr. Mills would like the language clarified in Section 7-17-03, F 3, and he wants the words *ribbed curbing* added to Section 7-17-31 (1)A 3 as an option. Regarding the 9 inch pit run comment, Director Nilsson said if the Board wants to investigate a different standard she recommends the record be left open for input from the highway districts on what that change could do. Mr. Mills said gravel company owners would be available for a workshop they just couldn't make it today. Craig Bennett testified about his concern with Section 7-10-3A dealing with pit run and the -6 inch requirement. It's his experience that when big rocks come out they grade out to the side anyway if you're putting 9 inches of pit run down. In short, it's an additional cost but it doesn't make the road any better. John Wardhaugh said he agrees with the comments made by Alan Mills and Craig Bennett. Director Nilsson said we don't want to create a whole alternative road network in the jurisdiction because it gets fraught

when 20-30 years later the roads do not hold up and maintenance isn't clearly defined. She doesn't disagree with anything that's been said but thinks it would be wise to have another workshop and invite the highway districts because it's that point of what circumstances would you reduce the construction standard from the low volume of the road. She is reluctant to reduce the base course until we have more input because the structural strength of a road is very important, but the question is not overbuilding but at least building so that it will be there for a while under normal use, and, that the emergency access roads have the structural strength. She is happy to convene another workshop and invite the highway districts and the County engineer, who's under contract, to give some advice on the differences of if we changed the requirement from 6 inches to 4 inches and what that will mean not just in cost but durability. Commissioner Dale said the testimony deserves serious consideration. Commissioner Rule would like DSD to polish the ordinance and bring it back. Director Nilsson suggested the hearing be continued to the end of February so they can convene a workgroup and bring the findings back to the Board and if there is a material change then another hearing will be required. She will invite all highway districts, the County engineer, and the parties who have participated to date. Upon the motion of Commissioner Dale and the second by Commissioner Hanson, the Board voted unanimously to continue the hearing to February 24, 2016 at 2:00 p.m. The hearing concluded at 11:03 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO REVIEW AND CONSIDER SIGNING JUVENILE JUSTICE ANNUAL FINANCIAL REPORT FOR 10/01/14 - 09/30/15

The Board met today at 1:34 p.m. for a meeting to review and consider signing the Juvenile Justice Annual Financial Report for October 1, 2014 through September 30, 2015. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Probation Officer Elda Catalano, Judge Dayo Onanubosi, Trial Court Administrator Doug Tyler, Joe Langan from the Department of Juvenile Corrections, and Deputy Clerk Monica Reeves. Elda Catalano said every year we submit a financial report to the Idaho Department of Juvenile Corrections (DJC) to account for the tobacco, Juvenile Corrections Act (JCA), and lottery funds they give for the operation of juvenile probation and every year they give a tentative budget to help her decide the budget for her department and at the end of the year she accounts for the monies. As part of the report, the DJC requests an overview summary of how the funds will be rolled over if there any unspent funds, but Commissioner Hanson wanted information on the specific amount of what the intended funds were to be used for. The total amount of leftover state funding is \$247,000; in the last two years she has not spent every dollar and as a result she requested the funding be rolled over to this fiscal year (FY2015). The amount spent

from October 1, 2014 to September 30, 2015 for personnel was \$215,082, and \$32,420 was spent on operating expenses. The projected amount she received earlier in the year from the DJC was \$392,168 and from that amount she spent about \$250,000. The second part of the report requires an explanation of how the funds will be spent. It's been the practice that a large portion of the funds go directly to serve the Canyon County population, and she typically doesn't budget a lot of "B" Budget expenses because the majority is spent on personnel in years past. One of the significant differences in this year versus last year, in terms of personnel costs, is that two probation officers who were paid out of this budget left the department so she had a lot of savings which accumulated and rolled over and that is one of the major reasons we have so much left over. According to the DJC, the tobacco tax was overspent before 2009 so she and Zach Wagoner have been working to rectify that issue by not spending every dollar of the tobacco funding. The actual revenue the County received in 2015 for tobacco was \$472,662; \$418,558 was spent on personnel, and \$166,292 was spent on operating expenses. Ms. Catalano's recommendation would be to spend these funds on the people we serve, by providing additional counseling services, mentoring services, and sex offender treatment to the juveniles, as well as replacing laptops used by the probation officers. She said her proposal does not call for spending every dollar that would roll over, it is to continue to carry \$120,000 for next fiscal year for anything that the juvenile justice folks want to work on. Commissioner Dale questioned the desire to spend \$45,000 on vehicle that would be used by probation officers to conduct home visits. He said it has been over budgeted by a significant amount. Commissioner Hanson asked if the items are above and beyond what was approved in the 2015-2016 budget. Ms. Catalano said they are in addition to what has been approved. This year it's projected that she will receive \$398,168 from the state and out of that \$365,179 is projected for personnel and approximately \$30,000 in "B" Budget items. Commissioner Hanson said it looks like there are extra expenses added on to the budget and he asked if any of the expenses were already figured into budget. Ms. Catalano said they are additional. The cigarette tax is where she may have some of the items already listed so that amount of money would be added to what's already approved, she also added that her budget is divided into five different divisions. Commissioner Hanson was frustrated and felt like he is not getting a straight answer as it relates to the budget/report. He asked if any of the items are already figured into the 2016 budget that the Board approved. Ms. Catalano said yes, in the cigarette tax, but not in the JCA. She is proposing to use the JCA funds in addition to what's already been budgeted in the tobacco funds and there are some figures that have already been approved for counselling so the answer would be yes, in addition to the JCA division. Commissioner Hanson said all of the funds should be put into the "A" Budget and the "B" Budget line item and expend them because the County can then spend from the general fund if there's an emergency that comes up later. Commissioner Rule asked how this was handled last year. Ms. Catalano said we didn't get into this much detail in last year's

report but the explanation was that funds will be used to purchase the technology items to assist probation officers. She purchased five laptops out of that fund last year and there was \$101,000 in it last year and she used about \$7,000, and the rest remained in the division. Commissioner Rule said part of the problem is there's a lot of spending going on and he wants to know how much she is proposing to spend this year. Ms. Catalano requested a quote for five laptops for \$4,300, and \$45,000 for a vehicle. She said all expenditures are accounted for and because she is not spending every dollar it has created this revenue, this pot of money that we can continue to have. She proposes that we spend the leftover money in this manner, but ultimately it's the Board's decision on how she should spend it. Commissioner Dale said money spent for mentoring, sex offender treatment, and counseling services is beneficial if they are done in the correct manner and under proper supervision but he is not comfortable authorizing \$45,000 for a car because he thinks she can find something for half the price. Commissioner Hanson said he is trying to keep all the budgets tight and now there's \$207,000 that's floating out there when it should've been accounted for in the 2015-2016 budget and he is not comfortable with it. Ms. Catalano asked if he would like to reopen the juvenile probation budget to allocate and make sure everything is transparent. She said she's been very frugal and did not spend money she could have spent and there is the ability to access other state money to pay for a service we would've otherwise spent and that's what's created this pot of money. It wasn't intentional to save money or keep it, she does her best to stick to what has been approved but she's always looking for ways to save money and if the DJC makes money available down the road to purchase things she usually applies for those things. She apologized for creating the confusion over the appearance that she is not spending the money; she is looking at spending it more efficiently and she is open to the Board's suggestions. Commissioner Hanson wants to use the money we get from the state before we tax the citizens any further for other expenditures and then if we need to spend tax dollars we do that. It says the JCA funds can be used for employment and training and those are listed as the primary things which tells him the \$247,000 could be transferred to the "A" Budget for employees, but the purpose of the lottery funds is for juvenile probation services and programs so there's this hodge-podge. Ms. Catalano said if we take the money for what the County has been paying for it could be construed as supplanting. Commissioner Hanson asked how it could be supplanting if we are following the code and what the JCA is providing as information regarding expenditures of these funds. Ms. Catalano said she isn't saying that, she just wants to be cautious that we don't use state funds to supplant what the County would be paying because at this point those expenses are paid through general funds. The majority of the expenses are personnel and the majority of the personnel is traditionally paid by general funds. Commissioner Rule asked if she has held the funds as opposed to spending them. Ms. Catalano said in the past she did not have this much rollover funds so yes, she spent the money. There was a time when someone won the lottery and at that time the County received a little over a half million

dollars and we carried it over several years so we could add to that and build the juvenile justice center. The total carryover from this report indicates we have \$87,000 so those funds she's proposing to use to pay for the items listed in the report. Commissioner Hanson asked if we're talking about \$120,000 or \$87,000. Ms. Catalano said they are two different divisions so it would be a total of \$207,000 that is unallocated and not going to be spent. Commissioner Dale asked if the Board will need to reopen the budget. Zach Wesley said the Board will need to take some official action to designate those funds in the appropriate budget. Commissioner Hanson said we have at least \$247,000 that's not allocated for anything on the report, so would it be unanticipated revenue? He wants to use it to replace funds from the general fund. We have already budgeted for operational costs in the 2015-2016 budget and these funds are above that but we didn't know about it in the budget process. Zach Wagoner said when we receive monies that are limited in their use and when we have an avenue to use those monies, those should be the monies used first and foremost. These monies are limited to juvenile activities so we should identify the best use for those monies in Canyon County and utilize those on an annual basis. He said the majority of this is in the budget. When you have positions that are vacant throughout the year then you develop savings and you see the carryover start to accumulate and that is where the majority of this carryover money has come from. There have been vacant positions in the juvenile probation department so those monies have not been spent. Commissioner Hanson said if that's the case those monies would revert to the general fund, they wouldn't go to that department's own little savings account. Mr. Wagoner said that is correct. Commissioner Hanson wants to spend it down and be done with it and then we can have a truly accurate budget developed next year. Commissioner Dale said these are restricted funds that can only be spent on specific things, they cannot just go into the general fund to be spent anywhere. Mr. Wagoner said that is correct, but if we originally receive funds for salaries and benefits then that purpose would carry over as well. Clerk Yamamoto said it depends on what bucket it comes out of; if you utilize those restricted funds fully then the holdover money can be used for whatever purpose and if they are not used fully then it is still in that bucket. Commissioner Hanson said if you initially budget those funds to be spent completely down then you spend the restricted funds and any additional expenditures come out of the general fund and that's what he wants to do. He wants to spend the bucket completely down and the remainder that might need to be made up comes out of the general fund. Clerk Yamamoto said a caveat to that would be if there is a special project juvenile probation needs that they need to sideline it for. There are certain things that would meet everyone's approval that that would be okay, but for general purposes he agrees with what Commissioner Hanson is proposing which is in the taxpayers' best interest. Commissioner Rule said the Board doesn't agree with the totals and therefore won't likely sign the report. Mr. Wesley said the report would need to be modified and go through the signature rounds again. The tobacco money is appropriated by the DJC so

they have to approve the allocations based on our budget and request; the JCA funding is block grant funding and it has specific purposes and the DJC can put additional restrictions on the County, such as require us to match the funds. The lottery funds pass through the DJC but are appropriated by the legislature and he doesn't know if there are any restrictions on those. We need to make an accurate reporting on the JCA and tobacco tax monies and get those approved by the DJC so the Board will need to direct staff to amend the report and circulate it for the required signatures so it can be submitted to DJC. Commissioner Dale said his only problem with the itemized expenditures is with the \$45,000 amount for a car. Judge Onanubosi said there are some areas he would like to devote some attention to and one area is mentoring. We need it, we are behind the ball on it and it's beyond him why we don't have that program today. Our kids deserve it and their parents deserve it to advance the interest of juvenile justice in this County and we need to do whatever we can to make that happen. He said counseling is very important as well as training for probation officers and the judiciary. He had to leave at 2:31 p.m. to attend court. Mr. Wagoner said the \$365,000 for salaries and benefits is 92% of the total expenditure budget of \$397,000. Commissioner Hanson again said he would like to expend those funds rather than holding onto them because it will free up some general fund monies. Commissioner Dale believes in counseling and mentoring and he thinks we can put more into it by taking it out of the funds for the car and making adjustments but he's not going to dictate where it goes. Commissioner Rule said the car request should have gone through the Fleet Director at the beginning of the budget cycle. His opinion is to carry the cash over less the \$32,000 out of the \$247,000 but we are not there yet so we'll have to continue this discussion. He directed Ms. Catalano to take the information from today's meeting and bring back another report. Commissioner Hanson said if there needs to be an increase for specific mentoring he's not hardline on that but he doesn't want to hold onto the accounts, he wants to spend the monies out of the specific line items and get them down. The discussion will resume again at a later date. The meeting concluded at 2:35 p.m. An audio recording is on file in the Commissioners' Office.

EIGHTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 21, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Trial Court Administrator in the amount of \$1,729.12 to Staples.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Sheriff's Office in the amount of \$2,412.00 to Atlantic Tactical.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Sheriff's Office in the amount of \$4,956.70 to A-Gem Supply Inc.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Sheriff's Office in the amount of \$3,038.00 to A-Gem Supply Inc.

EXECUTIVE SESSION - PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 9:07 a.m. for a legal staff update. A request was made to go into Executive Session to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, communicate with legal counsel regarding pending/imminently likely litigation, and to communicate with the County's risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:

Commissioner Hanson made a motion to go into Executive Session at 9:08 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f), and (i). The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Hanson, Dale and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule, Craig

Hanson and Tom Dale, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Deputy P.A. Leon Samuels arrived at 9:26 a.m. Mr. Wagoner left at 9:30 a.m. The Executive Session concluded at 9:47 a.m. with no decision being called for in open session.

CONSIDER SIGNING A RESOLUTION BANNING ELECTRONIC SMOKING DEVICES FROM ALL AREAS EXCEPT IN DESIGNATED SMOKING AREAS

The Board met today at 9:47 a.m. to consider signing a resolution banning electronic smoking devices from all areas except the designated smoking areas. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Leon Samuels, Facilities Manager Paul Navarro, and Deputy Clerk Monica Reeves. Paul Navarro said people are vaping and using e-cigarettes in the building so he's looked into policies other agencies have used to keep it out of their buildings. There are designated smoking areas in all campus buildings so he wants to post signage letting people know we don't want vaping to occur in the building but there is a place to do it. Sam Laugheed said the resolution explains the basis for it since there isn't really a law that bans or criminalizes them; there is, however, a section of Idaho Code that addresses youth access to tobacco and it specifically identifies the dangers of electronic cigarettes so they cite to the Open Air Act of Idaho and to the Youth Tobacco Act and the Board finds that these things are visually similar to smoking tobacco and are also a way to consume illegal drugs without some of the tell-tale signs. The Idaho Prosecutors Association sent notice that Oregon has some reports of Methamphetamine being consumed in the smokeless devices and so given all those things it is within the Board's authority to say we are not going to allow vaping devices on County property except in designated areas. Commissioner Dale said he recently read an article in a medical journal that reported on the effects of e-cigarettes and vaping and they are worse, in some ways, than regular tobacco because they cause of different type of disease that is incurable so it's very appropriate that we don't allow that secondhand smoke to be imposed upon others in this area. Upon the motion of Commissioner Dale and the second by Commissioner Hanson, the Board voted unanimously to sign the resolution banning electronic smoking devices. (See Resolution No. 16-014.) The meeting concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION CLASSIFYING RECORDS OF THE CANYON COUNTY CLERK AND AUTHORIZING THE DESTRUCTION OF CERTAIN ELECTION RECORDS

The Board met today at 9:49 a.m. to consider signing a resolution classifying records of the Canyon County Clerk and authorizing the destruction of certain election records. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Leon Samuels, Elections Supervisor Kathy Bradley, and Deputy Clerk Monica Reeves. The Elections Office has election poll books from 2010, absentee ballot requests from 2013, and voted ballots from 2013 they would like to destroy. Leon Samuels said state code has specific retention periods for election records, specifically, for poll books, that they shall be retained for not less than five years and absentee ballots requests and voted ballots shall be retained for two years. We are past the retention periods so the records are up for destruction which will free up some storage space. Upon the motion of Commissioner Hanson and the second by Commissioner Dale, the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the destruction of certain election records. (See Resolution No. 16-013.) The meeting concluded at 9:51 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION - APPEAL HEARING FOR DDR NAMPA, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:00 a.m. to conduct a sub-roll appeal hearing for DDR Nampa, LLC for PIN No. 30498012A0. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Appraiser Mike Cowan, and Deputy Clerk Monica Reeves. Mike Cowan said the Gateway Center in Nampa is owned by DDR, and there are parcels that make it up but in this case the appellant is Macy's, who is a tenant of one of the parcels. He said there are four parcels at the State Board of Tax Appeals (BTA) and bearing the outcome of that hearing, the Assessor's Office may dismiss the sub-roll assessment but at this time until they receive a decision from the BTA both the appellant and the Assessor want to uphold the value in this case so they can appeal it. Again, it all stems around whatever the decision is on the original case, which did not include the appellant's property but they are affected by it. It was noted that no one appeared today on behalf of the appellant, DDR or Macy's. Upon the motion of Commissioner Hanson and the second by Commissioner Dale, the Board voted unanimously to uphold the value for DDR Nampa, LLC. The hearing concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

NINTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 22, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Virginia Rodriguez.

CONSIDER SIGNING CHANGE ORDER TO THE PICKLES BUTTE SANITARY
LANDFILL STATUS REPORT CONTRACT WITH TETRA TECH TO ADD
ADDITIONAL SERVICES IN THE AMOUNT OF \$1,330

The Board met today at 9:02 a.m. to consider signing a change order to the Pickles Butte Sanitary Landfill Status Report Contract with Tetra Tech to add additional services in the amount of \$1,330. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Brad Goodsell, and Deputy Clerk Monica Reeves. Brad Goodsell said there is a small amount of follow-up work to the landfill status report that can be done as a change order to the contract. Great West, who is Tetra Tech's contractor, will insert the topographical mapping and surface model electronic files provided by the County's aerial mapping company into the CAD based software. The base drawings and surface model will then be compared to the previous year's data to determine volumes for each active fill and evacuation area. The County will provide Great West with tonnage over the timeframe between the surveys based on this and Great West will update the landfill performance data presented in the same format as tables 1-3 in the status report. Upon the motion of Commissioner Hanson and the second by Commissioner Dale, the Board voted unanimously to sign the change order to the Pickles Butte Sanitary Landfill Status Report Contract with Tetra Tech to add additional services in the amount of \$1,330. The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION - PERSONNEL MATTER AND COMMUNICATE WITH RISK
MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 9:05 a.m. for a legal staff update. A request was made to go into Executive Session to discuss a personnel matter and to communicate with the County's risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:

Commissioner Hanson made a motion to go into Executive Session at 9:06 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (i). The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Hanson, Dale and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule, Craig Hanson, and Tom Dale, Deputy P.A. Brad Goodsell, and Deputy Monica Reeves. Chief Civil Deputy P.A. Sam Laugheed arrived at 9:14 a.m. The Executive Session concluded at 9:40 a.m. with no decision being called for in open session.

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures.

TENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 25, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Deputy Clerk Monica Reeves

ABSENT: Commissioner Tom Dale

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:30 a.m. for an office staff meeting. Present were: Commissioners Steve Rule and Craig Hanson, PIO Joe Decker, Facilities Manager Paul Navarro, Senior Administrative Specialist Jenen Ross, and Deputy Clerks Kelly Martinez and Monica Reeves. Ms. Martinez and Ms. Ross left at 8:33 a.m. Joe Decker reported on the following communication items: He is awaiting direction from the Board and legal counsel on the advertisement for the Pond Lane property in the Orange County business journal; press release for the Landfill Spring clean-up event to be held April 23, and the upcoming household hazardous waste disposal event at the Southwest District Health Department; assist with creating a webpage for the Back on Track 5k event; updates to the County website; signing of the annual safety assurance renewal form for the RSVP volunteers at the lobby desk; he will attend a website rebuild meeting tomorrow; and a documentary filmmaker wants to talk to the Coroner, Sheriff and Prosecutor regarding faith healing but it's likely all three will pass on it because there isn't anything County officials can do until state lawmakers change the law. Paul Navarro reported on the following facilities issues: flagpole repairs will happen this week; the courtrooms have been heavily used and are working well; he has worked with the Trial Court Administrator on the purchase of chairs for the courtrooms; the Nampa annex is closed and staff will replace the locks today and will harvest the cameras and DVR, and the service for pest control, panic alarms, water and trash will be turned off. The first floor construction project is going well, although there is an issue where the records and scanning department want to modify their cabinetry so he's asked the contractor for a credit and his staff will build the cabinetry and countertop. Once he has Clerk Yamamoto's approval he will proceed. He is waiting on a quote for the insul-quilt to sound attenuate the wall in the Commissioners' meeting room. He has provided renderings for the jail expansion project, and advised that the City of Caldwell has tentatively approved our property setbacks. There are some budget issues we need to look at for this fiscal year that involve the sewer relocation, power pole relocation, natural gas line, impact fees, the parking lot at 12th Avenue and Chicago Street, as well as a fire issue at the Elections building. Given the proximity of the jail expansion to the back of the Elections building improvements will have to be made because it is a wood frame structure with a stucco overlay with no fire suppression or protection, and he suspects a fire alarm and fire system will have to be installed at a cost of \$20,000 to \$30,000. He tasked Ken Fisher to attend the joint trench meeting with Idaho Power. Commissioner Hanson said he was informed that the alleyway between the old jail and the Dale Haile Detention has never been vacated. He also said the jail design plans allow for female work release. Mr. Navarro said that will get us completely out of the jail annex, and he said if we are able to decommission the annex it will make for very efficient storage space for the records and scanning

department. The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING CANYON COUNTY HISTORIC PRESERVATION SUPPORT AWARD AGREEMENTS FOR CANYON COUNTY HISTORICAL SOCIETY AND THE CALDWELL HISTORICAL SOCIETY

The Board met today at 9:07 a.m. to consider signing Historic Preservation Support Award Agreements for the Canyon County Historical Society for the updates to the electrical and plumbing at the Our Memories Indian Creek Museum (\$4,950), and for restoration of the Union Pacific CA-3 Caboose (\$13,800), and the Caldwell Historical Society for the Van Slyke Museum (\$10,000). Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Brad Goodsell, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to approve the agreement with Canyon County Historical Society for electrical and plumbing repairs/updates at Our Memories - Indian Creek Museum. (See Agreement No. 16-003.) Commissioner Hanson made a motion to approve the agreement for the restoration of the Union Pacific CA-2 Caboose to its original condition. Commissioner Rule seconded the motion for purposes of discussion and asked if Union Pacific has provided matching funds or offered to assist with the project. Commissioner Hanson amended his motion to table the agreement to obtain further information on the project. Commissioner Rule seconded the amendment and the motion carried unanimously. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to approve the agreement with the Caldwell Historical Society for the Van Slyke Museum renovations and expansion. (See Agreement No. 16-004.) A legal staff update was scheduled for this morning at 9:00 a.m., but Mr. Goodsell said there were no issues to bring before the Board. The meeting concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

ELECTED OFFICIALS MEETING

The Board met today at 9:33 a.m. for an elected officials' meeting. Present were: Commissioners Steve Rule and Craig Hanson, Assessor Gene Kuehn, Treasurer Tracie Lloyd, Sheriff Kieran Donahue, and Deputy Clerk Monica Reeves. Sheriff Donahue reported on the constitutional carry gun bill that's going to be introduced and said the Idaho Sheriff's Association has asked the sponsors to remove the language allowing convicted felons to have permits or carry guns. At one time the language was removed but it was put back in. He also reported that he met with FBI officials on the Harney

County issue. Treasurer Lloyd said she, the Controller, Auditing staff, and the Fair Director recently met with staff from the Western Idaho Fair to see how they handle things administratively. She and the Controller will work to solve the logistical issues involved with the Fair coming under the County's budget system. Assessor Kuehn said there is some clean up legislation for the Idaho State Tax Commission and for park model homes, which won't have much impact on Canyon County but could significantly impact Valley County. The Assessor's Office is working on the supplemental roll, and there are two appeal decisions that are outstanding. One involves a parking garage for the Nampa Development Corporation, and the other is for property owned by Trinity Lutheran Church. He will check with legal counsel on a time frame for those decisions. Commissioner Rule reported on public defense legislation and said the County wants the state to pay for it but that's not likely. Commissioner Hanson said the County increased its budget to create a Public Defender Department so the ACLU wouldn't come after us, but it now appears it would have been better, financially, to let it run its course and not do anything. Commissioner Rule informed the group that the Nampa annex is closed and its operations have been moved to the courthouse. An adjacent property owner has expressed an interest in purchasing the building. He also advised there has been a discussion about killing carp in Lake Lowell and that Parks Director Tom Bicak is trying to obtain a grant to pay for it. The meeting concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

BIWEEKLY MEETING WITH THE DEVELOPMENT SERVICES DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 10:02 a.m. for a biweekly meeting with the Development Services Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule and Craig Hanson, Development Services Director Tricia Nilsson, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: budget and permit status update; personnel updates; discussion regarding areas of impact status for Wilder as well as Nampa and Caldwell; committees and Planning and Zoning updates including: Planning and Zoning Commission training on January 28, COMPASS RTAC meeting January 26, Southwest District Health meeting January 29, and Idaho Association of Counties County Planning Directors meeting on February 2; and discussion regarding code enforcement processes. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:13 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

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

The Board met today at 10:16 a.m. for a weekly meeting with the Director of Information Technology to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule and Craig Hanson, Director of Information Technology Greg Rast, Asst. Director of Information Technology Don Brown, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: personnel updates and the new Development Manager starts today; the fairgrounds project is underway today; update on three projects closing this week including: fairgrounds annexation project, Nemo-Q/Tensator replacement, DSD reporting; and discussion regarding the Information Technology Department workstation configuration and remodel as well as the costs associated with the project. Director Rast said this was not budgeted for in the furniture line item, however there are other line items in the IT budget that will cover these costs. Commissioner Rule would like more information regarding the budget for this project and Director Rast will get that information to the Board as soon as possible. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:28 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

ELEVENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 26, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Deputy Clerk Monica Reeves

ABSENT: Commissioner Tom Dale

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Larry Benjamin and Brittney Dukleth.

SIGNED MEDICAL INDIGENCY DOCUMENTS

The Board signed the following medical indigency documents recorded as instrument numbers: 2016-003071, 2016-003072, 2016-003073, 2016-003074, 2016-003075, 2016-

003706, 2016-003077, 2016-00378, 2016-003079, 2016-003080, 2016-003081, 2016-003082, and 2016-003083.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the IT Department in the amount of \$1,438.00 to DigiCert.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the IT Department in the amount of \$3,141.33 to VLCM.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the IT Department in the amount of \$2,795.00 to ITT Tech. Professional Dev.

BIWEEKLY MEETING WITH THE JUVENILE DETENTION DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 8:32 a.m. for a biweekly meeting with the Juvenile Detention Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule and Craig Hanson, Juvenile Detention Director Steve Jett, Sr. Administrative Specialist Dawn Dennison, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: the annual inspection is coming up, he is working with the Prosecutor's Office for a Request for Proposals for this year's PREA audit, and there will be an inspection by the Department of Southwest District Health as it is mandated under the school lunch program; Director Jett said because of budget cuts the Press-Tribune program has been cut, so it will cost \$700 per year to receive the newspapers and he believes it is well worth the cost; personnel updates; Director Jett will be proposing to raise the fee for housing out of county juveniles by \$5 again this year; population is currently 18 juveniles which is a huge swing compared to the recent population in the 40's; Taga Bah is teaching an ARISE class for instructors which teaches life skills and he wants to do a program for juveniles after they are released; Director Jett said the facilities are okay and there was discussion regarding empty space in the facility; Director Jett reported that the court system is working well; discussion

regarding the state wanting to move toward having no restraints in court for all hearings; and an update on the garden which the juveniles have already been working in. The items discussed were general in nature and did not require Board action. The meeting concluded at 8:49 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 9:00 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 to communicate with the County's risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:

Commissioner Hanson made a motion to go into Executive Session at 9:01 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Hanson and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:33 a.m. with no decision being called for in open session.

CONSIDER SIGNING CANYON COUNTY PROPANE BARBEQUE EQUIPMENT USE POLICY

The Board met today at 9:34 a.m. to consider signing the Canyon County Propane Barbeque Equipment Policy. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Allen Shoff, Facilities Manager Paul Navarro, and Deputy Clerk Monica Reeves. Paul Navarro said the Board instructed him to purchase a propane barbeque for use by employees at the Justice Park and the Prosecutor's Office was tasked with preparing a policy that gives the basic rules and outlines who can use the equipment and how it has to be reserved. Allen Shoff said it is for use at official events only and the final approval rests with the Board. The procedure is if an elected official or department head wishes to use it they will submit a written request 48 hours in advance of the planned event. The park is available for public use, however, the barbeque will not be available to the public. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to approve the

Canyon County Propane Barbeque Equipment Policy. The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION TO APPROVE CHANGES TO PAY GRADE, TITLE AND JOB DESCRIPTION FOR TWO POSITIONS IN THE PUBLIC DEFENDER DEPARTMENT

The Board met today at 9:39 a.m. to consider signing a resolution to approve changes to pay grade, title and job description for two positions in the Public Defender Department. Present were: Commissioners Steve Rule and Craig Hanson, Public Defender Tera Harden, Cindy Lorta and Jennifer Allen from HR, and Deputy Clerk Monica Reeves. Tera Harden said one position is changing from an Investigative Technician to an Investigator whose prior experience included working as an internal affairs investigator for the Sheriff's Office. The change will move the person into a much more appropriate job description. The other change is for the System Administrator position that administers the Justware system. The position is shared between Angie Stokke and Deepak Budwani, the Office Administrator. Ms. Stokke performs the systems upgrades and does everything in a test environment and builds all reports; her previous title was listed as a Legal Support Specialist but this is a proper job title and is compensation for both her legal skills and her technical skills. Commissioner Rule asked if the job description fits within the parameter of the salary compensation study. Ms. Harden said it does and she has worked with HR on the job descriptions. She also noted one additional job description will be coming through next week. Commissioner Hanson asked about the change in salary grade for the Public Defender Investigator which will go from an N4 to an N8. Ms. Harden said an investigator with 7 years' experience is not an investigator with 25 years' experience. It creates an investigator ladder of I, II and III, and it's been broken down into 7 years in each category. The other Investigative Technician is learning investigation and doing service of subpoenas but as they become more skilled the job description changes drastically. Cindy Lorta from HR said Jeannine Eiband, the HR Director, has reviewed the changes and agrees with the suggested salary ranges. Commissioner Hanson expressed concern with the proposed changes given the fact the salary study hasn't been completed yet. Ms. Harden said the PA's System Administrator does the exact same job and it was the investigator series in the PA's Office that was used to do this proposed change. The job changes are not based on the job study and the salary requests are not based on the compensation analysis, they are based on the job. She said the HR Department was busy with the analysis project so the changes were put on the backburner. Ms. Harden said in her report last week she addressed both positions with the Board and they indicated she should send them through. Commissioner Hanson said he did not say that. His concern deals with adopting salary changes when

the compensation project hasn't been completed yet. He is trying to fix a problem that's been long term and wants to make sure we don't create another issue on top of the already existing issues but with that said he is going to go with the positive intent and the belief that there is accurate information being presented now by the Public Defender and the HR Director knowing this is based upon current and like positions in two different sections. Ms. Harden said the PA's System Administrator has an assistant so there are two employees doing the job while there is one employee doing the job in her department. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to sign the resolution to approve changes in pay grade, title and job descriptions to two positions in the Public Defender Department as signified by the documents in front of the Board. (See Resolution No. 16-015.) Commissioner Rule said the blue sheets can be submitted now. Ms. Harden said she will have another one coming through once the HR Director is back in the office. The meeting concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER SIGNING JUVENILE JUSTICE ANNUAL FINANCIAL REPORT FOR 10/01/14 - 09/30/15

The Board met today at 9:49 a.m. to consider signing the Juvenile Justice Annual Financial Report for October 1, 2014 through September 30, 2015. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Chief Probation Officer Elda Catalano, Judge Dayo Onanubosi, and Deputy Clerk Monica Reeves. Commissioner Hanson said several attempts have been made to get the report signed and although it doesn't specifically state where all the funds are going to be used or how they will be distributed, it is an acknowledgment and reporting to the Department of Juvenile Corrections that we are willing to receive the funds and distribute them appropriately based upon the standards that are set up as to how the County can use the funds. Commissioner Rule said our effort is not to distribute it all in "one big paint", but now Ms. Catalano can make specific requests for specific items. Ms. Catalano said that is what has been done in the past, and she appreciates the time spent on, and the questions asked, about the report. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to sign the Juvenile Justice Annual Financial Report for October 1, 2014 through September 30, 2015. Commissioner Rule said Judge Onanubosi asked for some specific funding mechanisms and now is the time to come back and work with Ms. Catalano on some of his requests. Judge Onanubosi said he is new to the process and is trying to learn as much as he can. Commissioner Rule said attending the meetings will be helpful and it is possible things could be different next year because it seems to ebb and flow. Judge Onanubosi and the Board signed the report, a copy of which is on file with this day's

minute entry. The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:05 a.m. for a biweekly meeting with the Fleet Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule and Craig Hanson, Fleet Director Mark Tolman, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: Director Tolman is looking at assigning a vehicle for IT to utilize as they are now supporting the off campus locations as well, however Commissioner Rule would like to monitor it for a few months and then reconsider it at that time; Director Tolman would like to consider utilizing a temporary position to determine if it is a right fit for new employees. The Board suggested Director Tolman run it by the Human Resources Department but it seems like a good idea. Director Tolman would like to utilize an auction for disposal of the old crown victoria partitions, VHS video systems and old light bars. Commissioner Rule said Chief Probation Officer Elda Catalano received some additional funds through the state and was requesting to buy an additional vehicle with those funds. Director Tolman said he still has one on order for that department and he can discuss it with Ms. Catalano. Commissioner Rule said he wants those brought in through the yearly budget and this is not the way we should budget big ticket items. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:18 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

BIWEEKLY MEETING WITH THE DIRECTOR OF MISDEMEANOR PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 10:18 a.m. for a biweekly meeting with the Director of Misdemeanor Probation to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule and Craig Hanson, Director of Misdemeanor Probation Jeff Breach, Assistant Director Lisa Sheehan, Senior Misdemeanor Probation Officer Crystal Laleman, Senior Misdemeanor Probation Officer Mary Gomez, Misdemeanor Probation Officer Shelby Wilson, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: personnel updates; Director Breach said they are working on changes to make the department more approachable and victim sensitive; the Senior Probation Officers will be instrumental in mentoring other probation officer's in how they can do a better job working with the victims; Director

Breach said at his next meeting he will bring Jessica Rodriguez from the Community Service Program however today she is doing site visits; Director Breach said he attended the magistrates meeting a couple of weeks ago and said overall the meeting went pretty well; they have modified the agreement of supervision; and Director Breach will be out of the office for a couple of days. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:28 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

EXECUTIVE SESSION WITH HUMAN RESOURCES DIRECTOR PURSUANT TO IDAHO CODE 74-206(1) (B) AND (D) TO DISCUSS PERSONNEL ISSUES RELATED TO SPECIFIC EMPLOYEES AND RELATED DOCUMENTS

Commissioner Hanson made a motion to go into Executive Session at 10:30 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. Before a roll call vote was taken, Commissioner Rule said there was concern by Commissioner Dale that it might not be appropriate to meet with Department Heads in Executive Session when he was unavailable. Commissioner Rule said they had a thorough discussion with Sam Laugheed and Brad Goodsell from the Prosecutor's Office and they were concerned that we covered some risk management type issues, they felt that is their responsibilities to cover that but that it was appropriate to go into Executive Session for personnel matters. A roll call vote was taken on the motion with Commissioners Hanson and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule and Craig Hanson, Human Resources Director Jeannine Eiband, and Deputy Clerk Kelly Martinez. The Executive Session concluded at 10:53 a.m. with no decision being called for in open session.

TWELFTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 27, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Deputy Clerk Monica Reeves

ABSENT: Commissioner Tom Dale

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Dylan Gardner and Douglas Ward.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Sheriff's Office in the amount of \$1,152.00 to Premier Wireless Solutions.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the IT Department in the amount of \$25,570.06 to Henriksen Butler Design Group.

APPROVED CLAIMS ORDER NO. 2-10-16

The Board of Commissioners approved payment of County claims in the amounts of \$67,246.43 and \$88,317.74 for accounts payable.

INDIGENT DECISIONS

The Board met today at 8:32 a.m. to consider indigent decisions. Present were: Commissioners Steve Rule and Craig Hanson, Indigent Services Specialist Ellen Pitcairn, and Deputy Clerk Monica Reeves. Ellen Pitcairn presented initial determinations of denial for the following cases: Case No. 2016-326, 2016-327, 2016-341, 2016-328, 2016-301, 2016-347, 2016-222, 2016-321, 2016-330, 2016-329, 2016-398, and 2016-325. And, she presented one initial determination of approval for Case No. 2015-1063. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to sign the documents and accept the recommendation from the Indigent Services Department. The meeting concluded at 8:34 a.m. An audio recording is on file in the Commissioners' Office.

SIGNED MEDICAL INDIGENCY DOCUMENTS

The Board signed the following medical indigency documents recorded as instrument numbers: 2016-00388, 2016-003089, 2016-003090, 2016-003091, 2016-003092, 2016-003093, and 2016-003094.

LEGAL STAFF UPDATE

The Board met today at 9:03 a.m. for a legal staff update. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell, Deputy P.A. Mike Porter, and Deputy Clerk Monica Reeves. Commissioner Rule said the Mayor of Middleton has asked the Board to sign a letter of support regarding an issue the city is having with the board of taxation. Commissioner Rule asked legal staff to review the letter's suggested language. Zach Wesley said it would be appropriate to have an initial discussion about drafting a letter in Executive Session, pursuant to Idaho Code, Section 74-206(1) (d), documents exempt from disclosure; they will need an opportunity to review the language and communicate back to the Board. The Executive Session was held as follows:

RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Hanson made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Hanson and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell, Deputy P.A. Mike Porter, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:36 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.

THIRTEENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 28, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Deputy Clerk Monica Reeves

ABSENT: Commissioner Tom Dale

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Solid Waste Department in the amount of \$4,680.00 to Ozark Laser & Shoring.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the IT Department in the amount of \$2,868.93 to AirVan.

CONTINUE MEDICAL INDIGENCY HEARINGS

The Board met today at 8:48 a.m. to go on the record and continue medical indigency hearings. Present were: Commissioners Steve Rule and Craig Hanson, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, and Deputy Clerk Kelly Martinez. Director Baker encouraged the Board to place Case Nos. 2015-1565 and 2014-919 in suspension. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to continue Case No. 2016-10 by signed stipulation to March 24, 2016 at 9:00 a.m. as well as to place Case Nos. 2015-1565 and 2014-919 in suspension. The proceeding concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2015-1197

The Board met today at 8:57 a.m. to conduct a medical indigency hearing for Case No. 2015-1197. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Deputy P.A. David Eames, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, the applicant, Timothy Ryan from St. Alphonsus, and

Deputy Clerk Kelly Martinez. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to continue the hearing to March 24, 2016 at 9:00 a.m. The hearing concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2015-1589

The Board met today at 9:09 a.m. to conduct a medical indigency hearing for Case No. 2015-1589. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Deputy P.A. David Eames, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, the applicant, Timothy Ryan from St. Alphonsus, Interpreter Mercedes Lupercio, and Deputy Clerk Kelly Martinez. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to continue the hearing to July 28, 2016 at 9:00 a.m. The hearing concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2015-1298

The Board met today at 9:22 a.m. to conduct a medical indigency hearing for Case No. 2015-1298. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Deputy P.A. David Eames, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, the applicant and her spouse, Timothy Ryan from St. Alphonsus, and Deputy Clerk Kelly Martinez. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to continue the hearing to August 25, 2016 at 9:00 a.m. The hearing concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2016-92

The Board met today at 9:37 a.m. to conduct a medical indigency hearing for Case No. 2016-92. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Deputy P.A. David Eames, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, Attorney Bryan Nickels, Katherine McColl and Timothy Ryan from St. Alphonsus, and Deputy Clerk Kelly Martinez. The applicant was not present for today's hearing. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to continue the hearing to February 11, 2016 at 9:00 a.m. The hearing concluded at 9:51 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2016-25

The Board met today at 9:53 a.m. to conduct a medical indigency hearing for Case No. 2016-25. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Deputy P.A. David Eames, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, Katherine McColl and Timothy Ryan from St. Alphonsus, and Deputy Clerk Kelly Martinez. The applicant was not present for today's hearing. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to take Case No. 2016-25 under advisement with a decision to be rendered within 30 days. The hearing concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2016-38

The Board met today at 10:00 a.m. to conduct a medical indigency hearing for Case No. 2016-38. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Deputy P.A. David Eames, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, Timothy Ryan from St. Alphonsus, and Deputy Clerk Kelly Martinez. A representative for the applicant was not present at today's hearing. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to uphold the original denial for Case No. 2016-38. The hearing concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

UPHOLD ORIGINAL DENIAL DATES FOR MEDICAL INDIGENCY CASES

The Board met today at 10:05 a.m. to uphold original denials for various medical indigency cases. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, Deputy P.A. David Eames, Indigent Services Director Yvonne Baker, Hearing Specialist Michelle Kidd, and Deputy Clerk Kelly Martinez. Ms. Baker encouraged the Board to take Case No. 2015-1444 under advisement and render a decision within 30 days. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to take Case No. 2015-1444 under advisement and render a decision within 30 days. Ms. Baker recommended the Board uphold the previous respective denials in the following cases: Case Nos. 2016-26, 2015-1202, 2016-53, 2015-1563, 2015-1494, and 2015-1593. Upon the motion of Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to uphold the previous denials. The proceeding concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION - PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

Note for the record: As properly noticed the Board met today at 10:15 a.m. for a legal staff update. A request was made to go into Executive Session to discuss a personnel matter and records exempt from public disclosure and attorney-client communication. The Executive Session was held as follows:

Commissioner Hanson made a motion to go into Executive Session at 10:15 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 Hanson and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule and Craig Hanson, Chief Civil Deputy P.A. Sam Laugheed, and Deputy Clerk Monica Reeves. Deputy P.A. Zach Wesley arrived at 10:26 a.m. The Executive Session concluded at 11:01 a.m. While in open session Mr. Laugheed said each year the County retains an outside auditor to prepare an audit report and as part of that the PA is asked to divulge information about potential claims that could expose the County to liability that arose during the past fiscal year. When talking about the County's potential exposure to liability in public the PA asks the Board be aware of it and waive any privilege related to it as well as allow them to talk about the potential liability, and so Mr. Laugheed intends to send a letter to Clerk Yamamoto and the outside auditor that talks about two pending/threatening litigation matters where the financial exposure could exceed \$15,000 in the aggregate and that would be the Davis Consent Decree litigation as well as certain unidentified but routine cases that arise in the Board's exercise of quasi-judicial discretion. He doesn't anticipate the County paying up to \$15,000 in aggregate but it's a potential that exists and will be disclosed in the letter with the Board's permission. Commissioner Rule said that potential exists every year, and he noted that the Davis Consent Decree is a different matter and has been ongoing for several years with the ACLU related to physical structure issues from 2009. Mr. Laugheed said they are working to get out of the Davis matter and he doesn't expect attorney fees to be incurred. The Board has no problem with Mr. Laugheed sending the letter as requested. The meeting concluded at 11:03 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 11:05 a.m. for a biweekly meeting with the Fair Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule and Craig Hanson, Fair Director Rosalie Cope, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: they met with Coke who has been a sponsor for a long time but they are moving away from sponsorship as they are moving towards a rebate process; she will be meeting with Controller Zach Wagoner to do PowerPlan training; she will also be meeting with the Treasurer and Controller today to get an outline of processes; Director Cope received a County credit card but has not used it yet; after today's meeting she would like to have an outline and hopefully the chart of accounts is set up; there was also a discussion regarding temporary staff and the option of using a temp service rather than putting them through the County as temporary employees; Director Cope attended the supervisor training regarding workplace safety yesterday; the Sheriff's Office feels like the fair's safety policy manual needs to be reviewed and possibly revised; personnel updates; and the Fair Board asked if there was an update on the property deed transfer. The Board said there is no update at this time. Director Cope asked if it makes sense to try to have a conversation with the College of Idaho directly, rather than going through the city. The Board agreed that it would be worth a try. Director Cope said they have posted the Fair Board position vacancies as two member's terms expired on January 18. Commissioner Hanson suggested that the Commissioners and the Fair Board begin meeting quarterly or semi-annually to discuss any topics or issues that arise to improve communication. The items discussed were general in nature and did not require Board action. The meeting concluded at 11:22 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

FOURTEENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO JANUARY 29, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Deputy Clerk Kelly Martinez

ABSENT: Commissioner Tom Dale

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for James Hinkle and Demi Etheridge.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Sheriff's Office in the amount of \$3,599.00 to Intermountain Communications.

CONSIDER SIGNING A RESOLUTION TO WAIVE CERTAIN LANDFILL FEES FOR CANYON COUNTY RESIDENTS FOR ONE DAY ONLY ON SATURDAY, APRIL 23, 2016

The Board met today at 9:02 a.m. to consider signing a resolution to waive certain landfill fees for Canyon County residents for one day only on Saturday, April 23, 2016. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley, Solid Waste Director David Loper, PIO Joe Decker, and Deputy Clerk Kelly Martinez. Director Loper said it is time to start planning the annual "free day" that they do every year as a clean-up day. In the past it was always held on the fourth Saturday in April which falls on April 23rd this year and also coincides with Earth Day. Director Loper will work with PIO Joe Decker to post that date on the website to get the word out to the community. The resolution will allow them to proceed with advertising the annual free day. Commissioner Rule suggested that Director Loper may look at getting on the radio with Kevin Miller to advertise the free day. Upon the motion by Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to sign the resolution to waive certain landfill fees for Canyon County residents for one day only on Saturday, April 23, 2016. The signed resolution, No. 16-016, is on file with this day's minute entry. The meeting concluded at 9:06 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

EXECUTIVE SESSION - RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 9:06 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 to communicate with the County's risk

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

Commissioner Hanson made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Hanson and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley, Solid Waste Director David Loper, and Deputy Clerk Kelly Martinez. Mr. Loper left at 9:35 a.m. The Executive Session concluded at 9:42 a.m. with no decision being called for in open session.

CONSIDER SIGNING A RESOLUTION TO REAPPOINT DR. MARK PLEW AND NIKKI GORRELL TO THE CANYON COUNTY HISTORIC PRESERVATION COMMISSION

The Board met today at 9:46 a.m. to consider signing a resolution to reappoint Dr. Mark Plew and Nikki Gorrell to the Canyon County Historic Preservation Commission. Present were: Commissioners Steve Rule and Craig Hanson, Deputy P.A. Zach Wesley, and Deputy Clerk Kelly Martinez. Mr. Wesley said he has been serving on the Canyon County Historic Preservation Commission and there is a requirement for the Commission to be certified by the State Historic Preservation Office that this commission have professionals from the community including attorneys, architects and those also interested and engaged in the academic side of history. We have had the pleasure of having Dr. Plew from Boise State University and Nikki Gorrell serve on the commission for the last three years and their terms are up for renewal and they both are interested in renewing their terms. Upon the motion by Commissioner Hanson and the second by Commissioner Rule, the Board voted unanimously to sign the resolution to reappoint Dr. Mark Plew and Nikki Gorrell to the Canyon County Historic Preservation Commission. The signed resolution, No. 16-017, is on file with this day's minute entry. The meeting concluded at 9:48 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

FIFTEENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO FEBRUARY 1, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

APPROVED CLAIMS ORDER NO. 2-10-16

The Board of Commissioners approved payment of County claims in the amount of \$162,907.49 for accounts payable.

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for David Minshall and Tammy Bartlett.

APPROVED PURCHASE ORDER

The Board approved a purchase order for Facilities Management in the amount of \$1,885.00 to The Blind Gallery.

APPROVED PURCHASE ORDER

The Board approved a purchase order for Facilities Management in the amount of \$2,500.00 to Inselman Plumbing.

APPROVED PURCHASE ORDER

The Board approved a purchase order for Facilities Management in the amount of \$3,808.00 to Intermountain Lock and Security.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the IT Department in the amount of \$2,255.90 to PreCom.

APPROVED DECEMBER 2015 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of December 2015 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.

FILE IN MINUTES

The Board filed the monthly report of the Canyon County Treasurer for December 2015.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:30 a.m. for an office staff meeting. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, PIO Joe Decker, Senior Administrative Specialist Jenen Ross, and Deputy Clerks Kelly Martinez and Monica Reeves. Ms. Martinez and Ms. Ross left at 8:33 a.m. Joe Decker reported on the following communication items: an inmate escaped from the jail over the weekend so Mr. Decker will follow up with media requests for information; he added information to the website for the April 23 Spring Clean-Up Day at the landfill; he will take pictures at the Sheriff's award ceremony on Wednesday; he will help design a website for the Back on Track 5k Race; he filmed a bike giveaway with Ross Garvin; and he discussed talking points for the KBOI radio interview. The meeting concluded at 8:40 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE

The Board met today at 9:02 a.m. for a legal staff update. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Civil Deputy P.A. Sam Laugheed, and Deputy Clerk Monica Reeves. Sam Laugheed said he is here in a dual capacity today as

the Chief Deputy of the Prosecutor's Office first, and secondly as legal counsel for the County, and he wanted to make the distinction clear because one of the topics he will discuss deals with his capacity as a Chief Deputy. It was a tough weekend for the Prosecutor's Office as many of their employees read in yesterday's newspaper that they do not work as hard as the Public Defender and that they are not as good of employees to the County as the Public Defender's employees and they are pretty upset because one of the Board's employees is talking in open meetings with the Board and talking to the press and putting these employees down. Mr. Laugheed said they do not have a problem with the department head extolling her own virtues in talking about how good she is and how good her staff is but comparing them to other County employees in the way that she did is not acceptable. There are some legal implications of some of the things the department head said as well as implications for the Board in terms of its budget and litigation strategy in a former case and just in general how the Public Defender Department needs to work with the legislators in the other matters that are going on. Mr. Laugheed said he is able to separate the two issues and talk with the Board about it but he needed to make that record first. Also, Prosecutor Taylor will contact the Board to discuss his concerns with what the Public Defender says to the newspaper and what she is saying in public about his office. Commissioner Hanson asked that Prosecutor Taylor address the Board as a whole rather than individually. Mr. Laugheed said the Prosecutor will return to the office later today and he suggested the Board continue legal staffing to this afternoon after discussing some of the other issues. The Board went into Executive Session as follows:

EXECUTIVE SESSION - PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Hanson made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Hanson, Dale and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Civil Deputy P.A. Sam Laugheed, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:26 a.m.

While in open session, Commissioner Dale made a motion to continue the legal staff update to this afternoon at 1:00 p.m. The motion was seconded by Commissioner

Hanson and carried unanimously. The Board went off the record at 9:27 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION TO APPOINT YVONNE BAKER TO THE BOARD OF HEALTH TRUSTEES

The Board met today at 9:39 a.m. to consider signing a resolution to appoint Yvonne Baker to the Board of Health Trustees. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Indigent Services Director Yvonne Baker, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. Brad Jackson was the representative for the Clerk's Office and since his departure they have not had any representation so Director Baker said she was asked by Clerk Yamamoto to serve on the board of trustees. Zach Wesley said the board operates as fiduciaries for the County's health insurance employee trust and they act as stewards of the funds which are separate from the County's funds. Upon the motion of Commissioner Hanson and the second by Commissioner Dale, the Board voted unanimously to approve the resolution which places Yvonne Baker on the Board of Health Plan Trustees as a replacement for Mr. Brad Jackson. (See Resolution No. 16-018.) The meeting concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

RESOLUTION TO WAIVE THE APPLICATION FEE FOR NAMPA SCHOOL DISTRICT FOR THE OPERATION OF A DAYCARE WITHIN UNION HIGH SCHOOL

The Board met today at 9:34 a.m. to consider a resolution to waive the application fee for the Nampa School District for the operation of a daycare within Union High School. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, DSD Director Tricia Nilsson, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. Director Nilsson said the Nampa School District would like to operate an accessory daycare within the school building; it's not open to the public, it's just for students to enable them to stay in school and have the daycare for the children, mostly babies. A school is authorized by conditional use and accessories to conditional uses require a director's decision. There is no new construction; it's a school so they have already dealt with life safety issues; there will be no additional traffic or demand created; they are not modifying the building in any way so staff does not anticipate any comment being given. The school district has a Health and Welfare requirement due by February 20 so DSD is trying to get it done as soon as possible. Director Nilsson said she'd just as soon change the code so it can truly be an accessory use to the school rather than requiring a decision from the director. Zach Wesley said the Board has heard similar requests in the past and he has no issues with it. Upon the motion of Commissioner Dale and the

second by Commissioner Hanson, the Board voted unanimously to authorize the Board to sign the resolution to waive the application fee for the Nampa School District for the operation of a daycare within the Union High School. (See Resolution No. 16-020.) The meeting concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

SIGN HISTORIC PRESERVATION SUPPORT AWARD AGREEMENT FOR THE CANYON COUNTY HISTORICAL SOCIETY FOR RESTORATION OF A 1942 UNION PACIFIC CA-3 CABOOSE

The Board met today at 9:41 a.m. to consider signing the Historic Preservation Support Award Agreement for the Canyon County Historical Society. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The project is for the restoration of a 1942 Union Pacific CA-3 Caboose; the project budget is \$13,800. Commissioner Dale said there were questions about who owns the caboose and he is satisfied with the answers provided. Commissioner Hanson agreed. Upon the motion of Commissioner Dale and the second by Commissioner Hanson, the Board voted unanimously to authorize the County to sign the Historic Preservation Support Award Agreement for the Canyon County Historical Society. (See Agreement No. 16-005.) The meeting concluded at 9:43 a.m. An audio recording is on file in the Commissioners' Office.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for:

#16-019 Coffee House Holdings Inc. dba Starbucks #19869

BIWEEKLY MEETING WITH THE HUMAN RESOURCES DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 10:02 a.m. for a biweekly meeting with the Human Resources Director to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Human Resources Director Jeannine Eiband, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: Director Eiband said there was a trustees meeting last week and they met with Controller Zach Wagoner to go over the plan; Director Eiband believes that overall the first year with Blue Cross went well, our fees are quite a bit higher as expected,

however next year will give us the best view of what it will look like going forward; her staff is currently working with the Auditor's Office on the Affordable Care Act filings of 1094 and 1095-C forms. The 1095-C form is the employer's statement to the IRS and copies are sent out to employees that shows what coverage was offered and accepted by an employee during any month of the prior year. The employee does not have to have it to file their taxes but in filing their taxes it will ask questions about insurance coverage and then the IRS will use the forms submitted by employers to verify what the employee filed. Director Eiband said it has been a little bit of a process, as the Board may recall she went to some training in California last October on this process so she could get some more in-depth idea of how to file the employer and employee forms so they are still working on that with auditing and it has been a really good collaboration between the two offices. Director Eiband has started working on revamping the form banks for her office. She has met with a representative from the State Insurance Fund to go over workers compensation costs as they have grown considerably this last year. She has also talked to Deputy P.A. Zach Wesley and they will meet with that representative again to go over those costs again and then she will schedule a meeting with the Board because we are going to have to be making some changes. There was also discussion regarding workplace violence awareness training and the Sheriff's Office will be presenting HR Generalist Ellen Cahalan with an appreciation award this week. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:11 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

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

The Board met today at 10:16 a.m. for a weekly meeting with the Director of Information Technology to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Director of Information Technology Greg Rast, Development Manager Rick Fisher, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: introduction of Rick Fisher who is the new Development Manager; Director Rast is working with Fleet Director Mark Tolman on a dedicated IT fleet vehicle for use outside of the courthouse campus; discussion regarding a request to expand the Wi-Fi Network at the animal shelter and the Board believes the cost should be deducted from the \$50,000 maintenance budget; Electronic Docket Display System demonstration is scheduled for February 5; he is scheduling a website demonstration to Elected Officials and Department Heads the week of February 8; and the fairgrounds annexation project, Nemo-Q installation, and DSD reporting projects are almost finished, they are just cleaning up some last minute technical issues. The items discussed were general in

nature and did not require Board action. The meeting concluded at 10:28 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

MEETING TO DESIGNATE POLLING PLACES FOR THE MARCH 8, 2016 ELECTION

The Board met today at 10:30 a.m. for a meeting to designate polling places for the March 8, 2016 Election. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Elections Supervisor Kathy Bradley, and Deputy Clerk Kelly Martinez. Ms. Bradley said all 64 precincts will be open for the Presidential Primary Election on March 8, 2016. Commissioner Dale asked if this is a County expense to pay for all of these things or does it come from state funding. Ms. Bradley said the state pays for the ballots for this election and it is a scheduled election date rather than a special election. Commissioner Hanson made a motion to approve the recommended polling places for the March 8, 2016 Election as presented by Kathy Bradley. Commissioner Dale seconded the motion and it carried unanimously. The meeting concluded at 10:34 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

BOARD OF EQUALIZATION - SUPPLEMENTAL ROLL HEARING FOR TRINITY NEW HOPE, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:04 a.m. to conduct a supplemental roll hearing for Trinity New Hope, Parcel No. 67275100 0. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Brad Goodsell, Chief Deputy Assessor Joe Cox, Assessor's Senior Administrative Specialist Jennifer Loutzenhiser, Appraisal Supervisor Brian Stender, Tami McHugh, President of Trinity Lutheran, Attorney Matthew Johnson, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from January 19, 2016. Jennifer Loutzenhiser said towards the beginning of the year Mercy Housing owned this property and they qualified for a property tax exemption under Idaho Code 63-602gg, but they sold the property to Trinity New Hope, LLC which is organized as a for-profit LLC. She said Trinity New Hope believes they qualify for the exemption that Mercy Housing qualified for so we're discussing whether they should receive that exemption for the end of 2015. Matthew Johnson said the key point is that Trinity New Hope was formed as a not-for-profit, LLC, a charitable organization. Brad Goodsell asked questions of Mr. Johnson regarding the formation of the organization. Commissioner Hanson believes the intent is that of a nonprofit organization and asked if there is a point of compromise where Trinity New Hope could change their paperwork to show specific statements as to their nonprofit status. Ms. Loutzenhiser said in this situation the church does not have a designation of their

own for income tax purposes; they piggyback off the church's exemption but that's income taxes, it does not apply to property taxes. She also said there are problematic statements in their organizing documents that would not allow them to get an exemption on their own. Mr. Johnson said he has talked to Joe Cox and church officials about tightening up some language going forward to address some of these concerns. Commissioner Dale said the Board has the discretionary authority to grant a tax exempt status for this year and have the church and the LLC work out the language so they meet the Assessor's requirements. He is not in favor of the church having to pay taxes for this year. Mr. Cox spoke about his concerns in making sure the criteria is applied consistently. Tami McHugh said when this came to their attention in 2014 and they learned that Mercy was going to pull out they didn't know what to do so they met with the Assessor and talked about nonprofit status, and self-managing, and they agreed to do it in order to meet the requirements. They didn't have discussion about entity type just that it was a nonprofit organization. She said they've to make sure they complied with the requirements and they relied on the advice of professionals. Commissioner Hanson asked if it would be feasible for the group to apply for a hardship exemption. Mr. Goodsell said hardships can be problematic because it's difficult for organizations to meet a financial hardship criteria. Trinity New Hope is asserting that they meet the criteria for an exemption under two different exemptions: Idaho Code Section 63-602gg and the other is 63-602c, and we have been talking about criteria for both of them and it is creating some misunderstandings. The previous organization qualified under Section 63-602gg, and there is some very specific criteria for doing that. It looks like there are technical problems with their organization that makes them so they don't qualify under that section but those technical issues can be corrected going forward. The other exemption is for charitable organizations, and just because you're a nonprofit does not mean you are a charitable organization. That's where you get into the eight factors to determine if you are a charitable organization for purposes of taxes. It's difficult for a low income housing project to meet the criteria under 63-602c because of the federal funds they receive and so forth; that does not mean a low income housing project cannot meet the requirements. If the Board finds they meet those requirements for this year the Board could grant exemption under 63-602c for this year and have them correct the problems going forward, but if the Board does that it needs to find they meet the certain criteria. Commissioner Rule asked Mr. Cox to review the criteria that is incorrect. Mr. Cox said they need stronger language about being a 501c3; and when the assets are dissolved a 501c3 has certain criteria that has to be given to another nonprofit organization that will carry on the same method. Usually the IRS doesn't like it when you name one recipient because 20 years from now we don't know if the church will be in existence. Mr. Cox suggested the Board not grant the exemption and instead consider a hardship on the taxes if it wants to grant relief. Mr. Johnson said the appropriate resolution is to grant the exemption under Section 63-602c, that's a big reason why we set out those eight factors from the Idaho Supreme Court cases was to

give you that legal basis. He appreciates the Assessor's desire for consistent evaluation of criteria but the very reason you're sitting here is to address difficult cases. Your legal counsel has advised that 63-602c is available as an exemption even if some of the technical requirements of 63-602gg are not met. Trinity New Hope has said they will proceed to clean that up so they can get under gg and avoid the issue in the future. He encouraged against the hardship because it has some logistical difficulties and it continues this process in a way that's not helpful. Upon the motion of Commissioner Hanson and the second by Commissioner Dale, the Board voted unanimously to close public testimony. Commissioner Hanson said the Board heard a similar case for the YMCA where they owned some property and the County didn't tax them based on the condition that they would "take care of business" for the next year but when the next year came around they hadn't done anything so the County ended up taxing them. Commissioner Hanson made a motion to grant Trinity New Hope, LLC, an exemption for 2016 under Idaho Code 63-602c, and that they fulfill getting their paperwork in order so there is no question next year. The motion was seconded by Commissioner Dale for discussion. He said the project is for a particular purpose and it's been functioning under that purpose for as long as it's been existence and they took it on as an extra responsibility and it's clear from the documents that that is their intent to operate it in the same fashion that it's been operated before with perhaps some additional services to the clients which is commendable. It serves the community in a way that is not served by any other housing group and that allows the Board to look at that in a distinct fashion. He is in favor of granting the 63-602c exemption because they have met most of the eight factors although there are a couple that may not be met in technicalities but can be addressed and rectified and he heartily seconds the motion. Commissioner Rule agrees with Commissioner Hanson's reference to the YMCA case but the exemption was on bare ground and they were not generating rent and that distinguishes it differently from this case. He said over the years the Board has heard similar cases but they've often denied them and handled it through a hardship and that's what he would have preferred in this case. Commissioner Hanson amended this motion to state the exemption is for 2015, not 2016. The amendment was seconded by Commissioner Dale. A roll call vote was taken on the motion to grant an exemption with Commissioners Hanson and Dale voting in favor and Commissioner Rule voting against. The motion carried by a two-to-one split vote as noted. The hearing concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF LEGAL STAFF UPDATE

As announced earlier this morning, the Board met today at 1:01 p.m. for a continuation of a legal staff update. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, and Deputy Clerk Monica Reeves. The Board went into Executive Session as follows:

EXECUTIVE SESSION - PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING LITIGATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Hanson made a motion to go into Executive Session at 1:01 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, communicate with legal counsel regarding pending litigation, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Hanson, Dale and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, and Deputy Clerk Monica Reeves. PIO Joe Decker arrived at 1:40 p.m. and left at 1:47 p.m. The Executive Session concluded at 2:02 p.m. with no decision being called for in open session.

BOARD OF EQUALIZATION - CONTINUATION OF A HEARING IN THE MATTER OF THE PROTEST OF VALUE FOR THE NAMPA DEVELOPMENT CORPORATION

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:06 p.m. to conduct a hearing in the matter of the protest of value for the Nampa Development Corporation (NDC) for the 2015 Supplemental Roll. Today's hearing was continued from January 19, 2016. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Brad Goodsell, Chief Deputy Assessor Joe Cox, Assessor's Senior Administrative Specialist Jennifer Loutzenhiser, Appraisal Supervisor Brian Stender, Attorney William Punkoney, Nampa Development Corporation Board Members: Paul Raymond, Randy Haverfield, Sandi Levi, Darl Bruner, and Pam White, and Deputy Clerk Monica Reeves. Joe Cox said urban renewal built a parking garage

and the Assessor's Office interprets the statute, Section 50-2014, to be that when urban renewal sells or leases a property it becomes taxable, and when they leased out parking spaces it created a situation for review of the exemption status. Bill Punkoney recognized the NDC board members who are present today with the exception of Commissioner Skaug. He said we are talking about agreements, or licenses to hunt as they're called amongst urban renewal agencies, for 12 spaces out of 300 spaces, of the parking structure. There is no net profit at the facility, in fact, there's quite the opposite. Based on conservative estimates for this fiscal year they are looking at a \$90,000 deficit on running that facility. He said it is bad policy to tax another taxing entity because you are using tax dollars to pay more taxes. The parking facility was paid for with public bonds and there are obligations that have to be met. Public entities operate on tight budgets and this is outside of what was anticipated and it jeopardizes the ability to pay the debt obligations. He said even if the Board does not support urban renewal taxing this doesn't support that conclusion because it basically prolongs the existence of the urban renewal area because it delays payments on the bonds and in this particular area it doesn't go away until the bonds are paid off and if this agency must pay additional taxes that's money that doesn't go to the bonds. Mr. Punkoney said his main point deals with Idaho Code Title 50, Section 2014, and in subsection D it talks about how a property held and owned by an urban renewal agency is exempt from taxation. The section further states that provided that such tax exemption shall terminate when the agency sells, leases, or otherwise disposes of such property in an urban renewal area for redevelopment to a purchaser or lessee who is not a public body entitled to tax exemption with respect to the property. The property is tax exempt unless it's sold or leased or otherwise disposed of for redevelopment. There was discussion at the last hearing about what "*for redevelopment*" means so he included in his briefing a definition. It's not defined in the statute, nor is it in case law or Black's Law Dictionary, so he went to Merriam Webster's which talks about it being the act or process of redeveloping. Redevelop is a term defined as to change the appearance of an area especially by repairing or adding new buildings for buildings, stores, roads, etc. It's changing the nature of the real property through activity and improvements. The space agreements are not for redevelopment and therefore do not trigger termination of the tax exempt status. His brief talks about the differences between a lease and a license. The agreements do not grant rights in property, they don't exclude others from the property and they do not specifically identify the property but they do look like a license. He likens the reference to it being a "license to hunt" which he got from the Capital City Development Corporation (CCDC). It doesn't terminate the tax exemption. He said at the last hearing Mr. Cox identified three different parcels which were used as examples of property owned by urban renewal agencies and are taxed but the analysis was lacking. The documents provided were from 2011 and things have changed and it was a low assessment; also, it was the plan to transfer it to the city. It wasn't worth being argued over, however, NDC could have appealed it. In order to receive bonding if

there's going to be private use of property that is tax exempt it has to be permissible under IRS private use rules, and both CCDC and NDC qualify under the tax exempt rules. These properties are not leased for redevelopment and should not be taxed because taxing another taxing entity is bad policy. Paul Raymond said there is a lot of controversy about urban renewal and he has opinions on it: 1) an allocation district can be created and once it's created as soon as the increment starts to increase or is created the money starts to flow and that has been done with no vote of the people; and 2) taking money out of the tax base for bonding purposes can be done with no vote of the people. He said those two items are problematic and he thinks urban renewal is a vehicle for government to do projects without the permission of its citizens so having said that he feels like that might be some of the concerns the Board may have. He understands the County loses money when any entity creates an urban renewal district and he empathizes with the Board; however, it's clear that the parking garage is exempt from taxes and it's clear that they are not otherwise disposing of the property or selling or leasing it. They are simply leasing a few spaces and they are utilizing it for the purpose for which it was constructed and that's to provide parking and the associated elements of a parking structure. Mr. Raymond requested the Board reconsider its decision. Randy Haverfield said he spent some time talking to Representative Rick Youngblood, who's going through a review of the urban renewal process, and they have determined as far as parking structures go, that they are considered auxiliary structures to help growing cities. As an auxiliary structure it is meant to provide off-street parking and he wouldn't want to be in a position where they couldn't look at growth or revitalization in downtown Nampa. Commissioner Dale made a motion to close testimony. Commissioner Hanson had some questions and he asked Joe Cox what the concern was when the Board originally heard this a few months ago. Mr. Cox said they were looking at the statute that said provided that such tax exemption shall terminate when the agency sells, leases, or otherwise disposes of property and they were hung up on the word "or" because it changes the meaning. He said it breaks apart sells and leases so when the urban renewal agency leased out the facility it made the property subject to review by the Board. Additionally, tax exemptions cannot be presumed but instead must be explicitly granted by statute. If an ambiguity arises in a tax exemption courts must not only interpret the statute in favor of the state or the county but must choose the narrowest possible reasonable construction of the statute. All tax exemption statutes must be strictly and narrowly construed against the taxpayer who must show a clear entitlement. Part of the argument is that the property has been redeveloped; it used to be a bare lot and the people who rent the space are not entitled to the exemption. His main argument deals with the word "or". With regard to the issue of lease versus license, the law says sales tax at a 30-day lease is considered renting of real estate and not subject to sales tax. The daily parking is subject to sales tax but because of a long term lease of 30 days or more it's considered leasing of real estate which has a bearing on this case. Brad Goodsell said he has already provided the

Board with advice on this matter so he's not going into it any further, however, he said there is some ambiguity about where the line is drawn to determine whether something has been sold, leased or disposed of for redevelopment, but it's pretty clear that the line is somewhere past this. It's clear from the statute that that is not a disposition for purposes of redevelopment. It's going to require more than that to cross that threshold. Mr. Cox said while it's true the urban renewal district in Ada County is not currently assessed for 2015, they are going to consider putting the parking garages on for 2016 due to the publicity of this hearing as well as some pressure from the anti-urban renewal groups. He said we need to be careful about how we rule because a lot of the anti-urban renewal district groups are trying to change the law due to the fact of how urban renewal has conducted its business the last few years. We want to follow the law and if a higher level wants to overturn the Board's decision at least we can say we followed the law. The courts have already demonstrated that exemptions are narrowly construed against the taxpayer especially when the law is ambiguous and they have already decided it's in the favor of the County unless the taxpayer can show clear convincing entitlement to the exemption. The motion to close public testimony was seconded by Commissioner Hanson. During discussion Commissioner Hanson said he is not a supporter of urban renewal because it takes away the County's infrastructure monies by drawing that into a city, also, there was a point made by Mr. Punkoney about it being bad policy in taxing another taxing district to pay taxes and in effect that's what urban renewal does, it goes out and grabs money from other places and brings it in. He's trying to decide if the word "or" is significant and what redevelopment actually means and whether the Board should deny the request and let it go forward and see if there's something coming forward from the state committee on public buildings. He said this is the first he's heard of the Ada County Assessor going after parking garages. Commissioner Dale said urban renewal districts cannot grab money from other parts of the County; they are restricted to utilize the dollars generated within that district. They can affect the dollars generated within that district from being dispersed throughout the life of the urban renewal district, but they cannot go out and take money from other places. He said we cannot consider what Ada County might do, that's a moot point and it would be thrown out of a court of law in a heartbeat. Right now Ada County does not tax any of the parking garages owned by the CCDC. With regard to whether the City of Nampa leased those 12 spaces for redevelopment, the answer is no, and if they didn't lease for redevelopment then it is tax exempt. The statute is clear and all the political ramifications and philosophical differences aside, he has to go on the law and the property should be exempt because it has not been leased for redevelopment. Commissioner Rule said he's been advised by legal counsel in the past to send these matters to the next level and let the people who are trained in it make those decisions. This is not a final decision and it can be appealed so he's going to side on what the law means to him and his position is to not grant the exemption. Commissioner Dale said none of us are attorneys and in cases like this

when legal expertise is required he depends on our attorney who has given the Board a memo that says this is pretty black and white, the city deserves an exemption so under the advice of our attorney he made a motion to grant the full exemption to the urban renewal district to the parking garage in the City of Nampa. The motion died for lack of a second. Commissioner Hanson said the state legislators have made this law and they know it's a problem judging by all the work they're putting into it on committees and he likes the idea of letting those individuals that made a decision to construe what should be done and how it should be operated. He made a motion to uphold the Assessor's value, no tax exemption. The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion. Commissioner Dale voted against the motion, and Commissioners Hanson and Rule voted in favor of the motion. The motion carried by a two-to-one split vote. Commissioner Rule said the decision can be appealed to the next level. The hearing concluded at 2:48 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION

The Board of County Commissioners, sitting as a Board of Equalization, signed the Assessor's adjustments to 2015 supplemental certified values for Dame Brothers Co, LLC. A copy is on file with this day's minute entry.

SIXTEENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO FEBRUARY 2, 2016

Idaho Association of Counties Midwinter Legislative Conference – Boise, Idaho

SEVENTEENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO FEBRUARY 3, 2016

Idaho Association of Counties Midwinter Legislative Conference – Boise, Idaho

EIGHTEENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO FEBRUARY 4, 2016

NINETEENTH DAY OF JANUARY TERM, A.D., 2016
CALDWELL, IDAHO FEBRUARY 5, 2016

PRESENT: Commissioner Steven J. Rule, Chairman
 Commissioner Craig L. Hanson
 Commissioner Tom Dale
 Deputy Clerk Monica Reeves

APPROVED SALARY RATE REQUEST

The Board approved a salary rate request for Adrienne Budwani and Harold Patchett.

APPROVED CLAIMS ORDER NO. 1609

The Board of Commissioners approved payment of County claims in the amount of \$1,328,553.62 for a County payroll.

APPROVED VACATION LEAVE TO OTHER EMPLOYEE FOR SICK LEAVE

The Board approved the donation of vacation leave to another employee for sick leave.

APPROVED PURCHASE ORDER

The Board approved a purchase order for the Solid Waste Department in the amount of \$4,600.00 to Bonneville Blueprint Supply.

APPROVED PURCHASE ORDER

The Board approved a purchase order for Facilities Management in the amount of \$1,991.70 to Advanced Hardware Supply.

APPROVED PURCHASE ORDER

The Board approved a purchase order for Facilities Management in the amount of \$6,052.80 to Intermountain Wood Products.

APPROVED PURCHASE ORDER

The Board approved a purchase order for Facilities Management in the amount of \$7,018.00 to Norbryhn Equipment Co.

APPROVED PURCHASE ORDER

The Board approved a purchase order for Facilities Management in the amount of \$2,750.00 to Trane.

APPROVED PURCHASE ORDER

The Board approved a purchase order for Facilities Management in the amount of \$4,992.00 to Western Building Supply.

FILE IN MINUTES

The Board filed the quarterly report of the Canyon County Treasurer for October 1, 2015 through December 31, 2015 in today's minutes.

INDIGENT DECISIONS

The Board met today at 8:34 a.m. to consider indigent decisions. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Indigent Services Customer Service Specialist Ellen Pitcairn, and Deputy Clerk Monica Reeves. Ellen Pitcairn read into the record initial determinations of denial for the following the cases: Case Nos. 2016-346, 2016-367, 2016-365, 2016-248, 2016-364, 2016-368, and 2016-223. She also read an initial determination of approval into the record for Case No. 2016-362. Upon the motion of Commissioner Dale and the second by Commissioner Hanson, the Board voted unanimously to approve the initial determinations of denial and the initial determination of approval. The meeting concluded at 8:35 a.m. An audio recording is on file in the Commissioners' Office.

SIGNED MEDICAL INDIGENCY DOCUMENTS

The Board signed the following medical indigency documents recorded as instrument numbers: 2016-004360, 2016-004361, 2016-004362, 2016-004363, 2016-004364, 2016-004365, 2016-004366, 2016-004367, 2016-004368, 2016-004369, 2016-004370, 2016-004371, 2016-004372, 2016-004373, 2016-004374, 2016-004375, 2016-004376, 2016-004377, 2016-004378, and 2016-004519.

EXECUTIVE SESSION - RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 9:00 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 to communicate with the County's risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:

Commissioner Dale made a motion to go into Executive Session at 9:01 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i). The motion was seconded by Commissioner Hanson. A roll call vote was taken on the motion with Commissioners Hanson, Dale and Rule voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Brad Goodsell, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:13 a.m. with no decision being called for in open session.

BIWEEKLY MEETING WITH THE CHIEF PROBATION OFFICER TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 9:51 a.m. for a biweekly meeting with the Chief Probation Officer to discuss general issues, set policy, and give direction. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Chief Probation Officer Elda Catalano, and Deputy Clerk Kelly Martinez. Topics of discussion included the following: the Idaho Department of Corrections, Caldwell Police Department, and Juvenile Probation are working together on a presentation for gang awareness and there will be a presentation from a former gang member at the event tonight; restitution information update; there were ten commitments to Idaho Department of Juvenile Corrections in 2015; First Tee of Idaho has made some personnel and funding changes, however it will not affect the program with juvenile probation; and staff is participating in discussions regarding transportation to look at who has issues with transportation

and how the community can really come together to address the issue. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:06 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

CONSIDER EXTENDING, FOR TWO YEARS, A PROPERTY TAX EXEMPTION, PURSUANT TO IDAHO CODE § 63-606A, FOR THE SORRENTO LACTALIS FRESH MOZZARELLA FACILITY

The Board met today at 10:35 a.m. to consider extending, for two years, a property tax exemption, pursuant to Idaho Code Section 63-606A, for the Sorrento Lactalis fresh mozzarella facility. Present were: Commissioners Steve Rule, Craig Hanson and Tom Dale, Deputy P.A. Brad Goodsell, Chief Deputy Assessor Joe Cox, Attorney Preston Carter, Nicolas Depuydt Sorrento Lactalis Plant Manager, a reporter from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Joe Cox said this is their second application, the original was for a \$35 million qualified investment in building and equipment. The County previously issued a 75% exemption for the first three years and gave them the option that if all went well we'd do a two year extension. He said the only wrinkle is Sorrento Lactalis received an exemption on \$35 million, but they did an investment closer to \$48 million. Preston Carter said the original exemption was in 2012 and was granted based on the anticipated investment amount of \$35 million, but it turns out the investment was closer to \$48 million so they are requesting not only the two-year extension but that the 75% exemption be based on the actual investment amount of \$48 million instead of the original anticipated amount of \$35 million. The additional investment is due to the demand for fresh mozzarella, specifically, the three processing lines in the facility which are expensive to maintain. He said this is the second major expansion in the last two years and they see it as the original exemption of 75% based on the actual investment as opposed to the estimation at the outset. Mr. Cox said he's in favor of extending the two-year extension on the original 35 million. Brad Goodsell said he has a draft resolution that extends the exemption for another two years at the original amount, but the other issue the Board needs to decide is whether it wants to increase the original exemption and then we can determine whether the draft resolution is appropriate. Commissioner Rule asked why Sorrento Lactalis is requesting to include the additional \$13 million to an amount that had already been approved. Mr. Carter said before the whey dryer expansion the exemption was just 75% of the actual investment so there was no cap, so to speak. Mr. Cox said the resolution states the amount will not exceed \$26,250,000 million. Mr. Carter said the original exemption was capped at 75% of the anticipated \$35 million, in the past, however, the statute doesn't require a cap, it permits 100% exemption for an indefinite period of time. The 75% was based on the original estimation, and there's no

requirement that the company provide a number at the outset and be bound by that later. In the whey dryer context it was 75% of the actual investment, there may have been an estimated amount but that was not binding later. It is the same project it just turned out to be an increased investment which benefits not only the company but Canyon County. Mr. Goodsell said counsel is suggesting there's nothing in the statute that would prevent the Board from doing this, which he doesn't necessarily disagree with, but the question is whether it's appropriate to do it. Mr. Carter agreed and said their contention is that this is effectively the same exemption based on accurate numbers, in other words, if they had known it would've been \$48 million at the beginning that's what they would have asked for, but it turns out there is greater demand and an increased investment in the same project. Mr. Cox said Sorrento Lactalis was the first property that qualified under the exemption and since then the Assessor's Office has become more sophisticated in how they handle exemptions, for instance, other companies have been told if they make an additional investment they may qualify for a brand new five-year exemption. Mr. Carter said he doesn't see how the increased investment should be effectively capped when the whole point is to incentivize not necessarily the most amount, but certainly not limit the amount of investment. Mr. Cox said part of his concern is whether the additional value would qualify for an exemption because it is already on the tax roll. Commissioner Dale said it seems like a win-win for the County because they are only asking for two years of exemption on the \$13 million where they could have had five years. He's not opposed to granting two years with the additional \$13 million investment because it's proven and part of the same project that was qualified earlier. Commissioner Rule is concerned about setting a precedent and said the Board needs to decide what philosophy it's going to follow. Mr. Goodsell said the statute doesn't specifically prohibit the Board from doing this but it needs to look at the ramifications of doing it and one of them is the fact that the property is already on the tax roll and this exemption was intended to address property that is not on the tax roll. The title of the section that grants this exemption is *Small Employer Grower Incentive Exemption* so if you're exempting property after it's already been invested you are not incentivizing, you are rewarding investment, and this is intended to be an incentive not a reward. Mr. Carter said the original exemption did incentivize this project; to the extent there was a problem it was their underestimating the extent of the incentive, in other words, they said if they get the exemption they will invest \$35 million. This is a different project and it was incentivized by the original exemption and had they known it was going to be a \$48 million investment that's a much greater incentive and would have included it in there. Commissioner Dale said the right thing would be to honor what their expectation was based on previous experience with the whey dryer project, and going forward they will fall under the present mode of operations which is putting a number on it and if they exceed that number they have to ask for it. Commissioner Hanson concurs with part of that statement but he said we have a new document that's been established and it was filled

out with what was going to happen as opposed to considering the whey dryer project. He likes what Sorrento Lactalis has brought to Canyon County but said if we've already put this property on the tax roll that means somebody else has to pick up that slack as far as the taxable value we no longer have as revenue. Mr. Carter said the statute permits a 100% exemption for an indefinite period of time and they're asking for 75% so the County is receiving a tax benefit for the increased investment. Commissioner Hanson said his concern deals with setting a precedent and if other groups will ask for something similar for their projects as well. We have a written document we agreed to and there was a process in place for an expanded project that could have been brought to the Board for another planned exemption but that didn't happen. Mr. Carter said the original exemption was intended as an investment and it turned out to be larger than anticipated and it is reasonable, given the Board's statutory discretion, to base the 75% exemption on the actual numbers now that we know them as opposed to the conservative initial estimate. Commissioner Hanson made a motion to take this under advisement and render a decision within 30 days. The motion was seconded by Commissioner Dale. Commissioner Hanson would like more input from legal on the effects of setting a precedent because the last thing he wants to see is other businesses coming back to the Board and asking to take more off the tax rolls. He would also like clarification on whether the contract for the mozzarella lines allowed for Sorrento Lactalis to come back to the Board. Commissioner Dale said it would be appropriate to extend and expand the exemption based on the fact that the previous precedent with the whey dryer included a cap but it never came up because the cap was not exceeded. There was no identified process for what we are doing and that's big in his mind, also, an element that is impacting his decision is the fact that the \$13 million has been on the tax rolls for a year. He likes the idea of taking it under advisement to get more information. He said taxes have been collected and included in the budget and to now exclude them would create a hole for somebody. It was decided that a written decision will be issued by March 5 and it will address the two-year extension request and the increase of the cap. The motion carried unanimously. Commissioner Dale said there doesn't appear to be any problem extending the two-year exemption for the \$35 million. Commissioner Rule concurred. The meeting concluded at 11:17 a.m. An audio recording is on file in the Commissioners' Office.

COMMISSIONER JANUARY 2016 TERM ADJOURNED

At the conclusion of the day's official business, the Board adjourned the January 2016 Commissioner Term.

THE MINUTES OF THE FISCAL TERM OF JANUARY 2016 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

APPROVED: Commissioners Steven J. Rule, Craig L. Hanson and Tom Dale

ATTEST: Chris Yamamoto
Clerk

Kelly Martinez
Deputy

DATE: 4/11/16