

JULY 2018 TERM  
CALDWELL, IDAHO JULY 2, 2018

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

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Los Mariachis Mexican Restaurant #2 to be used 7/6/18 for a wedding.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Amazon in the amount of \$3121.23 for the Information Technology department
- CDW-G in the amount of \$1769.28 for the Information Technology department
- Caxton in the amount of \$4161.92 for the Prosecuting Attorney's Office

#### APPROVED CLAIMS ORDER NO. 7/10/18

The Board of Commissioners approved payment of County claims in the amount of \$60,660.49, \$61,486.54, \$136,494.24 and \$4907.00 for accounts payable.

#### CONSIDER SIGNING FINAL PLAT FOR ALBION ACRES SUBDIVISION NO. 2, CASE NO. SD2018-3

The Board met today at 9:19 a.m. to consider the final plat for Albion Acres Subdivision No. 2, Case No. SD2018-3. Present were: Commissioners Tom Dale and Pam White, DSD Director Tricia Nilsson, DSD Planner Deb Root, other interested citizens, and Deputy Clerk Monica Reeves. Ms. Root reported that the required signatures are in place and the plat is ready for the Board's approval. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to sign the final plat for Albion Acres Subdivision No. 2, Case No. SD2018-3. The meeting concluded at 9:21 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING - TRACE LEIGHTON'S REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NO. CPR-PH2018-23 & 24

The Board met today at 9:31 a.m. to conduct a public hearing in the matter of a request by Trace Leighton for a comprehensive plan map amendment and rezone for Case No. CPR-PH2018-23 & 24. Present were: Commissioners Tom Dale and Pam White, DSD Director Tricia Nilsson, DSD Planner Deb Root, Trace Leighton, and Deputy Clerk Monica Reeves. Deb Root gave the oral staff report. We are here to discuss a comprehensive plan future land use amendment from commercial to residential and from agricultural to residential for Trace Leighton. The property is partially identified as residential on the future land use map but there's a sliver of the property that's identified as commercial which has to be changed to residential and there's a portion of Parcel No. R34054 that is currently agricultural and the applicant is requesting to change the future land use map designation to residential for the purpose of developing the property into a large estate lot development. The property is currently being mined as a mineral extraction site that will leave three ponds that will be part of the design features of the proposed residential landscape if the request is approved. The property is located in an AE flood hazard area which does not preclude residential development, it just means they have to meet the FEMA requirements and special flood hazard requirements for the area. The property is located within the Middleton Impact Area and is located between Middleton and Star. It has access to State Highway 44 and on their preliminary plat they have set aside the requested road that will be a collector road for when it's extended. It's an area where there is some residential development with primarily agricultural and mineral extraction development right now; the city limits for both Middleton and Star are to the north and there is significant residential designation and some zoning for the residential development as well. The applicant is requesting to rezone all of the properties to rural residential, which is a two acre minimum average lot size, and their proposed lot sizes are larger than that for their development in the future. Agencies had no objections; the P&Z Commission recommended approval of the comprehensive plan map amendment and the rezone and staff is recommending approval of both. Trace Leighton testified that he is the landowner and has contracted with Idaho Materials and Construction who is mining the property. They had a five year permit which expires December 31, 2021, but according to the contract they are supposed to be done by December 31, 2019. At a meeting last week they indicated they are planning to be done mining and crushing a year from now and they need the last six months to remove the rest of the product. He will meet with Star West Gravel tomorrow for them to give Idaho Materials and Construction the go-ahead. As they are cleaning up and moving north to get out he wants to be able to start development and stubbing utilities. Ms. Root said it will be made clear on the plats that the gas pipeline exists. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to close the public hearing. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to approve the comprehensive plan amendment and the rezone as well as the Findings of Fact, Conclusions of Law and Order for Case Nos. CPR-PH2018-23 & 24. The approval includes the comprehensive plan and future land use map amendment from commercial to residential and from agricultural to residential as well as a rezone from agricultural to residential. The resolution and ordinance will be considered on July 6, 2018 at 8:30 a.m. The hearing concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - SAMUEL MCDOWELL'S REQUEST FOR A CONDITIONAL REZONE, CASE NO. PH2018-18

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Samuel McDowell for a conditional rezone for Case No. PH2018-18. Present were: Commissioners Tom Dale and Pam White, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Samuel McDowell, Marcia Sorenson, other interested citizens, and Deputy Clerk Monica Reeves. Ms. Almeida said the property is zoned agricultural and the future land use designates the property as agriculture although a portion is designated as residential. It is not within an impact area or a flood zone and the applicant is requesting a conditional rezone and development agreement. The proposed conditional rezone is consistent with the existing land uses in the area and it is adjacent to a platted subdivision, Sandy Ridge Subdivision. There are nine platted subdivisions within one mile for a total of 136 lots and those lots have a 2.44 acre average lot size. The proposed two acre parcel would be similar to the variety of lot sizes that currently exist in the vicinity; the property contains primarily nonprime farmland soils. If approved the conditional rezone would not remove prime farmland out of production. Golden Gate Highway District has no objection to the conditional rezone, an approach permit would be required to be submitted with the application for a building permit on the proposed two acre parcel. No agency opposed the conditional rezone and no comments from the public were received. The P&Z Commission recommended approval of the request on May 17, 2018. The request meets standards of review for a conditional rezone and is also harmonious with the Canyon County Comprehensive Plan. Staff recommends approval of the project. Marcia Sorenson testified that she lives on Viking Lane which is a private lane. She has not been able to discern what two acres the applicant is looking at but the gossip around the neighborhood is that he wants to access the property through the Sorenson's private lane and that is concerning to her. Ms. Almeida stated the two acre parcel is not yet created simply because we are just considering the rezone of the parcel. There will be a two acre parcel created and the balance of the land will not have a building permit available. The two acre parcel is proposed to access on Fran Lane which is a public road. It would not utilize Viking Lane. The site plan shows the general location of the proposed two acre parcel and the access to Fran Lane would be through a driveway. Ms. Sorenson said she has no objection to the proposal. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to approve the conditional rezone for Samuel McDowell, Case No. PH2018-18 and adopt the Findings of Fact, Conclusions of Law, and Order. Ms. Almeida said the applicant is still in the process of obtaining a legal description for the land west of Fran Lane to include in the ordinance and development agreement and he needs a little more time to complete that. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to continue the ordinance and development agreement to July 26, 2018 at 11:00 a.m. The hearing concluded at 10:12 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER MATTERS REGARDING THE FAIR

The Board met today at 10:32 a.m. for a legal staff update and to consider matters regarding the fair. Present were: Commissioners Tom Dale and Pam White, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell, Fair Director Diana Sinner left at 10:38 a.m. and Deputy Clerk Jenen Ross.

**Consider Fair Entertainment Contracts:**

Zach Wesley said these entertainment agreements are in the standard form. Commissioner White made a motion to sign the agreements with Murray Hatfield – Magician (agreement no. 18-081), The Band Toro (agreement no. 18-083), The Band Movil (agreement no. 18-082) and Pura Vida Orquesta and Mario Sandoval (agreement no. 18-084). The motion was seconded by Commissioner Dale and carried unanimously.

**Amended Resolution for Petty Cash Account Funds for Fair 2018:**

Zach Wesley explained that the prior petty cash resolution referenced the Bulls and Broncs event which has now been removed. For most of the year the petty cash will remain at the regular \$2000 but will be increased for the week of fair to accommodate the gate change fund, the beer booth change fund and then for cash awards and contests. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the amended resolution approving the petty cash account for the fair (see resolution no. 18-124).

As part of the legal staff update Brad Goodsell said he received a message from Commissioner Rule regarding a piece of property that is jointly owned by the county and the highway district where the weed control office is located. An email was received last week in regards to this matter which will be forwarded to Mr. Goodsell so additional information can be obtained for a meeting at a future date.

The meeting concluded at 10:41 a.m. An audio recording is on file in the Commissioners' Office.

**CONSIDER BOARD OF EQUALIZATION MATTERS**

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:33 p.m. to consider Board of Equalization matters. Present were: Commissioners Tom Dale and Pam White, Chief Deputy Assessor Joe Cox, Administrative Analyst Jennifer Loutzenhiser and Deputy Clerk Jenen Ross. Mr. Cox stated that both Admiral Beverage Corporation – Nampa and Walmart Real Estate Business Trust have been in contact with the county and have requested their values be upheld. Commissioner White made a motion to uphold the value for Admiral Beverage, account no. 62222166 0. The motion was seconded by Commissioner Dale and carried unanimously. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to uphold the Assessor's value for Walmart, account nos. 32497010 0 and 32275000 0. The meeting concluded at 1:35 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR CTI-SSI  
FOOD SERVICES LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:35 p.m. to conduct a property tax assessment protest hearing for CTI-SSI Food Services LLC, Account No. 36764010 0. Present were: Commissioners Tom Dale and Pam White, Chief Deputy Assessor Joe Cox, Appraiser Mike Cowan, Administrative Analyst Jennifer Loutzenhiser, Other Assessor's Office staff, David Smith and Deputy Clerk Jenen Ross. Mr. Smith offered testimony in support of the protest application. Mike Cowan offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 1:40 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 3, 2018

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

APPROVED CLAIMS ORDER NO. 7/10/18

The Board of Commissioners approved payment of County claims in the amount of \$276,381.83, \$134,729.38, \$76,067.49 and \$6092.23 for accounts payable.

APPROVED CLAIMS ORDER NO. 1820

The Board of Commissioners approved payment of County claims in the amount of \$1,588,948.58 for a County payroll.

LEGAL STAFF UPDATE

The Board met today at 8:54 a.m. for a legal staff update and to consider action item. Present were: Commissioners Tom Dale and Pam White, Deputy P.A. Brad Goodsell left at 8:58 a.m., Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing notice of sole source procurement - Stericycle Environmental Solutions, Inc. for periodic hazardous waste disposal:*** Once considered the agreement will allow for quarterly household hazardous waste events instead of the yearly event in order to make them smaller and more manageable. It will also provide for periodic pick-up of hazardous waste brought to the landfill. The reason for sole source is it is believed that Stericycle is the only company with a local presence and has the resources to adequately preform these services; most costs under the contract will be pass-thru costs for the disposal of hazardous waste. Additionally, under this contract Stericycle has agreed that the county will pay no more than Ada County pays for similar services and in some instances will pay less. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the notice of sole source procurement with Stericycle Environmental Solutions, Inc. for periodic hazardous waste disposal. The Board will consider the contract on July 23<sup>rd</sup> at 10:30 a.m.

As part of the legal staff update Zach Wesley presented a letter of support and commitment for the US 20/26, I-84 to Middleton Rd. project. COMPASS and ITD have already done a substantial amount of work on this project and this will be the final phase. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the letter (a copy of this letter is on file with this day's minute entry).

The meeting concluded at 9:01 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR LONNIE WINTERS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:02 a.m. to conduct a property tax assessment protest hearing for Lonnie Winters, account no. 36386000 0. Present were: Commissioners Tom Dale and Pam White, Appraisal Supervisor Greg Himes, Administrative Analyst Jennifer Loutzenhiser, Appraiser Holly Hopkins, Appraiser Roger Craig, Other Assessor's Office staff, Lonnie and Bonnie Winters and Deputy Clerk Jenen Ross. Mr. and Mrs. Winters offered testimony in support of the protest application. Holly Hopkins and Roger Craig offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 9:24 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER BOARD OF EQUALIZATION MATTERS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:25 a.m. to consider Board of Equalization matters. Present were: Commissioners Tom Dale and

Pam White, Administrative Analyst Jennifer Loutzenhiser, Appraisal Supervisor Greg Himes and Deputy Clerk Jenen Ross. Commissioner Dale made a motion to uphold the Assessor's values on the following: account no. 32906114 0 for Dan McConnell, account no. 24368000 0 for U-Save Storage, LLC and account no. 07540500 0 for City Development Inc. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 9:26 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR THE PACE FAMILY TRUST

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:33 p.m. to conduct a property tax assessment protest hearing for the Pace Family Trust, account no. 16430000 0. Present were: Commissioners Tom Dale and Pam White, Appraisal Supervisor Greg Himes, Administrative Analyst Jennifer Loutzenhiser, Appraiser Kathy Kinney, Appraiser Barbara Wade, Other Assessor's Office staff, Tim Pace and Deputy Clerk Jenen Ross. Tim Pace offered testimony in support of the protest application. Kathy Kinney and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 1:55 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR RENDENA ROBERTS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:55 p.m. to conduct a property tax assessment protest hearing for Rendena Roberts, account no. 35421000 0. Present were: Commissioners Tom Dale and Pam White, Appraisal Supervisor Greg Himes, Administrative Analyst Jennifer Loutzenhiser, Appraiser Ken Waters, Appraiser Barbara Wade, Other Assessor's Office staff, Rendena Roberts and Deputy Clerk Jenen Ross. Rendena Roberts offered testimony in support of the protest application. Ken Waters, Barbara Wade and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner White made a motion to continue the hearing to July 6, 2018 at 9:30 a.m. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 2:12 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR WALTER BRANDT

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:12 p.m. to conduct a property tax assessment protest hearing for Walter Brandt, account no. 11141000 0. Present were: Commissioners Tom Dale and Pam White, Appraisal Supervisor Greg Himes, Administrative Analyst Jennifer Loutzenhiser, Appraiser Kevin Sorenson, Other Assessor's Office staff, Walter Brandt and Deputy Clerk Jenen Ross. Walter Brandt offered testimony in support of the protest application. Kevin Sorenson offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner Dale made a motion to uphold the Assessor's value. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 2:29 p.m. An audio recording is on file in the Commissioners' Office.

**JULY 2018 TERM**  
**CALDWELL, IDAHO JULY 5, 2018**

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

**CONSIDER INDIGENT DECISIONS**

The Board met today at 8:47 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale and Steve Rule, Indigent Customer Service Specialist Robin Sneegas, and Deputy Clerk Monica Reeves. The following cases do not meet the eligibility criteria for county assistance: 2018-1018, 2018-1016, 2018-1142, 2018-1137, 2018-1136, 2018-1045, 2018-1030, 2018-1032, 2018-1015, 2018-1089, 2018-1046, and 2018-1019. Upon the motion of Commissioner Rule and the second by Commissioner Dale, the Board voted unanimously to issue a written denial on the cases read into the record within the next 30 days. The meeting concluded at 8:48 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 Destination Caldwell Inc. dba Destination Caldwell. See resolution no. 18-125.

**BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR RICHARD ANDERSON/FAMILY LTD. PARTNERSHIP**



The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:01 a.m. to conduct a property tax assessment protest hearing for Richard Anderson, Family LTD Partnership, Account No. 04755000 0. Present were: Commissioners Tom Dale and Steve Rule, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraiser Darryl Speiser, Administrative Analyst Jennifer Loutzenhiser, Dick Anderson, and Deputy Clerk Monica Reeves. Mr. Anderson offered testimony in support of the protest application. Darryl Speiser and Mike Cowan offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner Rule made a motion to adjust the value to \$1,500,000. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 9:30 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR GLEN GWENDOLYN BARNEY TRUST/STEVEN BARNEY

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:31 a.m. to conduct a property tax assessment protest hearing for Glen Gwendolyn Barney Trust/Steven Barney, Account No. 32440000 0. Present were: Commissioners Tom Dale and Steve Rule, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraiser Darryl Speiser, Administrative Analyst Jennifer Loutzenhiser, Steven Barney and Deputy Clerk Monica Reeves. Mr. Barney offered testimony in support of the protest application. Darryl Speiser and Mike Cowan offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner Rule made a motion to adjust the value to \$1,136,000. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 9:53 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR RCG-NAMPA, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:54 a.m. to conduct a property tax assessment protest hearing for RCG-Nampa, LLC, Account No. 30498012A0. Present were: Commissioners Tom Dale and Steve Rule, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraiser Darryl Speiser, Administrative Analyst Jennifer Loutzenhiser, and Deputy Clerk Monica Reeves. The applicant did not appear for the hearing but they did provide a packet of information to the Assessor's Office. Joe Cox offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner Rule made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 9:57 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR RSA AVANTI LOGAN, LLC; SORRENTO LACTALIS, INC.; AND TWIN ISLANDS, LLC (REPUBLIC STORAGE):

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:57 a.m. to conduct a property tax assessment protest hearing for RSA Vanti Logan, LLC, Account No. 01452000 0; Sorrento Lactalis, Inc. Account No. 30424000 0; and Twin Islands, LLC (Republic Storage), Account Nos. 04082000 0, 35336000 0, 08520503 0, 08520504 0, and 31223011 0. Present were: Commissioners Tom Dale and Steve Rule, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraiser Darryl Speiser, Administrative Analyst Jennifer Loutzenhiser, and Deputy Clerk Monica Reeves. The applicants did not appear for the hearings. Commissioner Rule made a motion to uphold the Assessor's value for RSA Avanti Logan, LLC. The motion was seconded by Commissioner Dale and carried unanimously. Note for the record: There was an appeal filed by National Health Investors, Inc., but Mr. Speiser said he had a discussion with them and they said they would not appear therefore he recommends the case be dismissed. Commissioner Dale said a motion is not required for that. With regard to the appeals filed by Sorrento Lactalis, and Republic Storage/Twin Islands, LLC, Ms. Loutzenhiser said both companies have requested their values be upheld. Commissioner Dale asked staff to explain what Sorrento Lactalis was looking at given the \$30M difference between their assessed value and their requested value. Mike Cowan said the company hired an appraisal that showed it was going to be \$27M. It's been taken to the board of tax appeals and they agreed with Mr. Cowan's appraisal so it's now moving on to District Court. Commissioner Rule made a motion to uphold the Assessor's value for Sorrento Lactalis and Twin Islands, LLC, which will enable them to take the cases to the board of tax appeals or finish the District Court actions being taken at this time. The motion was seconded by Commissioner Dale and carried unanimously. The meeting concluded at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR GLAR INDUSTRIES

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:34 p.m. to conduct a property tax assessment protest hearing for GLAR Industries, account nos. 36109102 0, 36109101 0, 36109100 0, 36109103 0, 36109106 0, 36109107 0, 36109108 0, 36109114 0, 36109116 0, 36109117 0, 36109120 0, 36109123 0, 36109124 0, 36109125 0, 36109127 0, 36109128 0, 36109130 0, 36109131 0 and 36109134 0. Present were: Commissioners Tom Dale and Steve Rule, Appraisal Supervisor Greg Himes, Appraiser Roger Craig, Assessor Brian Stender, Administrative Analyst Jennifer Loutzenhiser, Ed Pretty and Deputy Clerk Jenen Ross. Ed Pretty offered testimony in support of the protest applications. Brian Stender, Greg Himes and Roger Craig offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner Dale made a motion to offer a 90% exemption but the motion failed for lack of a second. After a brief recess the Board went back on the record and Commissioner Rule made a subsequent motion to uphold the Assessor's value.

The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 2:28 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 6, 2018

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

CONSIDER RESOLUTION AND ORDINANCE AMENDMENT IN THE MATTER OF TRACE LEIGHTON'S REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NOS. CPR-PH2018-23 & 24

The Board met today at 8:34 a.m. to consider a resolution and ordinance amendment in the matter of Trace Leighton's request for a comprehensive plan map amendment and rezone, Case Nos. CPR-PH2018-23 & 24. Present were: Commissioners Tom Dale and Steve Rule, DSD Planner Deb Root, and Deputy Clerk Monica Reeves. On July 2, 2018 Commissioners White and Dale approved Mr. Leighton's request for a comprehensive plan map amendment and rezone, but the ordinance and resolution were continued to today's date to allow time for the applicant to ensure that legal description for the meets and bounds were correct, which have since been verified. Ms. Root said today the Board is scheduled to consider the resolution for a comprehensive plan future land use map amendment from commercial to residential and from agricultural to residential as well as the ordinance directing amendments to the zoning map to rezone properties from agricultural to residential for the Leighton properties. The subject property is located outside of Star, currently under mineral extraction permit adjacent to the Star West Gravel Pit on what used to be Goldie Lane. Currently Idaho Materials and Construction is mining this property and they are just preparing for residential development. Commissioner Rule said he did not participate in the underlying hearing so it's going to be hard for him to act on this and so it was decided that the matter will be continued to July 9, 2018 at 11:00 a.m. when Commissioners White and Dale can consider the documents. The meeting concluded at 8:39 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 9:02 a.m. for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Steve Rule, Chief Deputy P.A. Sam Laugheed, Deputy P.A.

Zach Wesley, Controller Zach Wagoner, Deputy P.A. Brad Goodsell left at 9:20 a.m., PIO Joe Decker, Lt. Ben Keyes, Assessor Brian Stender left at 9:20 a.m., Chris Mauler, Gary Glenn and Lisa DeBlasio for Gayle Manufacturing left at 9:20 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution granting Gayle Manufacturing Co., Inc. a tax exemption pursuant to Idaho Code § 63-602NN:*** Brad Goodsell said this tax exemption is consistent with discussions the Board has previously had with Gayle Manufacturing, Idaho Code § 63-602NN and the county ordinance. This resolution will grant a 75% exemption beginning this year and ending in 2022 subject to all the normal conditions the ordinance provides. Pursuant to the statute a notice was sent to all the taxing districts but no one appeared today. Gayle Manufacturing is moving their entire operation from California to Idaho with the exception of the sales force, they anticipate the move to be complete within the next couple of weeks. Mr. Glenn read a statement about Gayle Manufacturing and what it provides and how it will benefit Canyon County. Upon the motion of Commissioner Rule and second by Commissioner Dale the Board voted unanimously to sign the resolution granting Gayle Manufacturing Co., Inc. a tax exemption pursuant to Idaho Code § 63-602NN (see resolution no. 18-126).

***Consider signing Idaho Department of Parks and Recreation Grant Agreement Form for Project New Marine Tow Vehicle:*** This is a grant of \$28,884 from the Idaho Department of Parks and Recreation with a funding match of \$9629 from the county for a total of \$38,513. This grant will be used to replace Lt. Keyes truck which is used to pull the large Sheriff's Office boats. Sam Laugheed said the agreement lays out how the grant funds are to be spent and how it will be documented. There is no legal reason not to move forward. Commissioner Rule made a motion to sign the Idaho Department of Parks and Recreation Grant agreement form for project 'New Marine Tow Vehicle' (see agreement no. 18-085). The motion was seconded by Commissioner Dale and carried unanimously.

***Consider Designating Records Custodian:*** Sam Laugheed explained the Board should be receiving letters from their fellow Elected Official's affirming that they (or their deputies) are the custodian of records. Additionally, a letter has been executed the Board's Department Administrator's explaining that they are the custodians of their records. Mr. Laugheed believes the main purpose of this change is to let the public know that record requests will be handled appropriately and handed off to the correct department as necessary.

As part of the legal staff update Zach Wesley spoke about the notice of public auction for the 20-26 property. The county has been working with realtor Greg Bullock to go over terms for the auction in order to have those outlined in the public notice. This notice will meet the legal requirements to start the auction process although Mr. Bullock will handle the bulk of the marketing and the actual procedure of the auction. The notice would set the minimum bid at \$1.6M for both properties which is the approximate purchase price and then Mr. Bullock has recommended holding the auction for the individual lots and then putting those bids on hold and auctioning both properties as a single lot. Mr. Bullock would then like to select the bid that is most favorable to the county of those two procedures. Mr. Wesley believes Mr. Bullock intends this to be an open bid/traditional auction. Commissioner Rule wants to make sure

any money from the sale of the properties be earmarked for future fair development, Commissioner Dale agrees this money needs to stay in fair funding. The legal notice will be on the Board's agenda for consideration on July 19<sup>th</sup> and published in the Idaho Press-Tribune on July 23<sup>rd</sup> (actual publication date will be Tuesday, July 24<sup>th</sup>). The auction will take place on August 14<sup>th</sup> in the Commissioners' meeting room.

The meeting concluded at 9:30 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR RCG-NAMPA LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:36 a.m. to conduct a property tax assessment protest hearing for RCG-Nampa LLC, account nos. 30498000 0, 30498010 0, 30498011 0, 30498012 0, 30501010 0, 30503000 0, 30503010 0, 30503011 0, 30503013 0, 30504000 0, 30504012 0, 31086100 0, 31086107 0 and 31087011 0. Present were: Commissioners Tom Dale and Steve Rule, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Administrative Analyst Jennifer Loutzenhiser, Appraiser Darryl Speiser, Appraiser Mike Cowan, Appraiser Barbara Wade, Appraiser Kevin Sorenson, Rick Smith for RCG-Nampa LLC and Deputy Clerk Jenen Ross. Rick Smith offered testimony in support of the protest applications. Joe Cox and Mike Cowan offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner Rule made a motion to uphold the Assessor's value of \$25,816,580. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 10:35 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR PC PARKVIEW

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:37 a.m. to conduct a property tax assessment protest hearing for PC Parkview, account nos. 05530501 0, 05530504 0, 05530506 0, 05530509 0, 05530511 0, 05530512 0, 05530515 0 and 05530517 0. Present were: Commissioners Tom Dale and Steve Rule, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Administrative Analyst Jennifer Loutzenhiser, Appraiser Darryl Speiser, Appraiser Mike Cowan, Appraiser Barbara Wade, Appraiser Kevin Sorenson, System Analyst Steve Onofrei, Matt Selling for PC Parkview and Deputy Clerk Jenen Ross. Matt Selling offered testimony in support of the protest applications. Kevin Sorenson, Mike Cowan and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner Rule made a motion to uphold the Assessor's value on each account. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 10:54 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – PROPERTY ASSESSMENT PROTEST HEARING FOR SAINT ALPHONSUS MEDICAL CENTER NAMPA INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:00 a.m. to conduct a property tax assessment protest hearing for Saint Alphonsus Medical Center Nampa Inc., account no.11776000 0. Present were: Commissioners Tom Dale and Steve Rule, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Administrative Analyst Jennifer Loutzenhiser, Appraiser Darryl Speiser, Appraiser Mike Cowan, Appraiser Barbara Wade, Appraiser Kevin Sorenson, System Analyst Steve Onofrei, Frank Lee, Marcie Harper, Ross Caulm and Michael Ballantyne for St. Alphonsus and Deputy Clerk Jenen Ross. Frank Lee and Michael Ballantyne offered testimony in support of the protest application. Darryl Speiser and Mike Cowan offered testimony on behalf of the Assessor's Office. Following testimony, Commissioner Rule made a motion to adjust the value to \$11,690,000. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 11:51 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER BOARD OF EQUALIZATION MATTERS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:52 a.m. to consider Board of Equalization matters. Present were: Commissioners Tom Dale and Steve Rule, Assessor Brian Stender, Appraiser Mike Cowan, Appraisal Supervisor Greg Himes, Appraiser Barbara Wade, Administrative Analyst Jennifer Loutzenhiser and Deputy Clerk Jenen Ross. Jennifer Loutzenhiser explained that account no. 35421000 0 for Rendena Roberts was continued from earlier in the week. The appraiser was able to tour the property and the Assessor's Office is recommending an adjustment to \$141,100. Commissioner Rule made a motion to adjust the value as recommended. The motion was seconded by Commissioner Dale and carried unanimously. Commissioner Rule made a motion to sign the Assessor Adjustments to 2018 Certified Values - #1. The motion was seconded by Commissioner Dale and carried unanimously. The meeting concluded at 11:56 a.m. An audio recording is on file in the Commissioners' Office.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 9, 2018

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

APPROVED CLAIMS ORDER NO. 7/25/18

The Board of Commissioners approved payment of County claims in the amount of \$48,410.86 for accounts payable.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub and Grill to be used 7/21/18 for a wedding.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 7/13/18 for a wedding.

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

The Board met today at 8:32 a.m. for a monthly meeting with the Weed and Gopher Control Superintendent to discuss general issues, set policy, and give direction. Present were: Commissioners Tom Dale and Steve Rule, Weed and Gopher Control Superintendent AJ Mondor, and Deputy Clerk Monica Reeves. The following topics were discussed:

- Director Mondor was approached by the Canyon Highway District about building a new shop for chemical storage on the property they share with the Weed Control Department. It will not interfere with the department's operations but there is some concern for future ownership issues and how it would affect the department. It was decided that the Board will meet with the highway district commissioners to hear more about their proposal.
- The County owns a six-acre parcel north of Simplot Boulevard that was acquired by tax deed and Director Mondor believes it would be an ideal location for a public park. The Board wants to hear more about the proposal so a meeting will be scheduled with Parks Director Nicki Schwend for further discussion.
- The department is now using tablets with mobile hot spots which will be more cost efficient than having a data plan for each tablet.
- He requested two seasonal positions and one fulltime position. He spoke of a temporary employee who is doing an excellent job and how he would like to give him a raise and hire him fulltime if possible. Commissioner Rule said he felt strongly about the additional position for a couple years now but it's been denied.

- He sent an email to the Prosecutor's Office about the new trespass law to see how it will affect the department.

The meeting concluded at 8:54 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

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

The Board met today at 9:31 a.m. for a monthly meeting with the Development Services Department Director to discuss general issues, set policy, and give direction. Present were: Commissioners Tom Dale and Steve Rule, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. The following topics were discussed:

- Budget and permit update - Department revenue is up significantly, they budgeted \$1.2 million and are currently at \$1.6 million. Commissioner Rule suggested the money be put into a building line item for future capital projects rather than let the Clerk disperse it throughout the budget. Commissioner Dale said that's a great idea. He asked if it's an indication that the fees are too high. Director Nilsson said that is not the case; other work is 30-40% higher and they are able to get through the smaller permits faster. There is good diversity with the permits. She said the upcoming Simplot project could result in \$800,000 in fee revenue.
- Personnel update – She saw the need to supplement staff and has talked to Controller Wagoner about the very large Simplot permit that will entail a tremendous amount of work. She put some funds in the professional consultant budget, and the department may contract with a mechanical inspector since it will be a daily task to be at Simplot to get the inspections done. There's a lot of structural racking, a cold storage building, robots, cars, and tracks. There will be a lot of mechanical work with the freezer component and a low oxygen fire safety system. In next year's budget she has added two employees. She has a vacant Planner II position and is having a hard time filling it so it may need to be under-filled as a Planner I. Staff is busy but they're keeping up although it is hard on them.
- Code enforcement abatement process/certificate of noncompliance – They have been holding off on it but there are several cases she wants to take through the process. Perhaps they can be batched in groups of hearings.

The items discussed were general in nature and did not require Board action. The meeting concluded at 9:46 a.m. An audio recording of the meeting is on file in the Commissioners' Office.



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

The Board went on the record today at 10:02 a.m. to reschedule the hearing in the matter of a request by Tyler Hess/Hess Properties, LLC, for approval of a preliminary plat, final plat, and irrigation and drainage plan. Present were: Commissioners Tom Dale and Steve Rule, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and the second by Commissioner Dale, the Board voted unanimously to reschedule the hearing to August 16, 2018 at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY BEN NEWBY FOR APPROVAL OF A PRELIMINARY PLAT, IRRIGATION & DRAINAGE PLAN, AND FINAL PLAT FOR NEWBY SUBDIVISION

The Board met today at 10:32 a.m. to conduct a public hearing to consider a request by Ben Newby for approval of a preliminary plat, irrigation and drainage plan, and final plat for Newby Subdivision, Case No. SD-PH2018-4. Present were: Commissioners Tom Dale and Steve Rule, DSD Director Tricia Nilsson, DSD Planner Kyle McCormick, William Mason, and Deputy Clerk Monica Reeves. Kyle McCormick gave the oral staff report. The subject property is conditionally rezoned to rural residential and is subject to a development agreement and the proposed development is in substantial compliance with the conditions of approval of that agreement. The applicant is proposing a two-lot subdivision, one lot is going to be a residential three-acre lot while the remaining acreage is a seven-acre agricultural only lot with no available permits. Irrigation water is available to the property from the Wilder Irrigation District and the property will be irrigated as it has been historically with some modification to the current pipe system. The concerns from the Idaho Transportation Department and Golden Gate Highway District have been addressed. Access shall be taken at the existing approach to state highway 55 and access to the adjacent subdivision roads on the north shall be blocked and not used by new residential development on the Newby property. The P&Z commission recommended approval on May 3, 2018, and staff is recommending approval as well. Upon the motion of Commissioner Dale and the second by Commissioner Rule, the Board voted unanimously to close the public hearing. Upon the motion of Commissioner Rule and the second by Commissioner Dale, the Board voted unanimously to approve the preliminary plat and irrigation and drainage plan as well as authorize the chairman to sign the final plat. The hearing concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION AND ORDINANCE AMENDMENT IN THE MATTER OF TRACE LEIGHTON'S REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE

The Board met today at 11:03 a.m. to consider a resolution and ordinance amendment in the matter of a request by Trace Leighton for a comprehensive plan map amendment and rezone Case Nos. CPR-PH2018-23 & 24. Present were: Commissioners Tom Dale and Steve Rule, Commissioner Pam White via conference call, DSD Director Tricia Nilsson left at 11:05 a.m., other interested citizens, and Deputy Clerk Monica Reeves. The hearing was held on July 2, and Commissioners White and Dale approved the comprehensive plan map amendment and rezone, but the ordinance and resolution were continued to July 6, 2018 to allow time for the applicant to ensure that the legal description for the meets and bounds were correct. On July 6, Commissioners Rule and Dale continued the matter to today's date so that Commissioner White could participate since Commissioner Rule was not present for the underlying hearing. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to approve the resolution and ordinance in the matter of Trace Leighton's request. (See Resolution No. 18-127 and Ordinance No. 18-017.) The meeting concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH SHERIFF TO DISCUSS CANYON COUNTY JAIL -- TEMPORARY HOUSING FOR FEMALE INMATES/POD 3 RETROFIT, AND LONG-TERM STRATEGY/DLR REPORT

The Board met today at 11:05 a.m. for a meeting with the Sheriff to discuss the Canyon County Jail -- Temporary Housing for Female Inmates/Pod 3 Retrofit, and Long-Term Strategy/DLR report. Present were: Commissioners Tom Dale and Steve Rule, Commissioner Pam White via conference call, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Lt. Andy Kiehl, Clerk Chris Yamamoto, Controller Zach Wagoner, Cassie Whitney, Kathy Alder, Leslie Van Beek, El Jay Waite, Hubert Osborne, Larry Olmsted, Nicole Foy from the Idaho Press, other interested citizens, and Deputy Clerk Monica Reeves. This discussion on the proposed action items was as follows:

***Temporary housing (Trailers/Containers system) - Consider authorizing permit application development and contract negotiation, give direction regarding timeframe for action, and related preliminary matters.***

Sheriff Donahue spoke about the jail housing crisis situation and how they are housing 30-40 people a day outside of the county, which is difficult not only in terms of cost but also the lack of available bed space. Fortunately other counties have been accommodating but we are at a breaking point; when there isn't any outside housing they have to overpopulate the special management units in the jail and somewhat overpopulate the existing units. The Sheriff's Association lobbied to increase the cost for the reimbursement of daily housing of state inmates and they were successful in raising it from \$45 a day to \$55 a day for the first 7 days of housing and up to \$75 for any day following that 7 days which is going to make bed space even more of a premium throughout the state. The counties who've been accommodating us are going to be hard pressed to convince their taxpayers and commissioners to stay at a \$60 rental rate when the market is \$75 a day and in order for us to compete we'll likely have to pay \$75 a day to rent bed space to outside counties to house

our inmates. The Sheriff sent personnel to Green County, Missouri to look at the temporary housing units and they believe the system has great promise and will be a temporary fix for an ongoing problem by relieving pressure on the jail by temporarily housing females which would allow them to modify the existing female units we have in Pod 3 in the Dale Haile Jail to accommodate more male, medium to high risk security inmates. There will be a cost but it does not outweigh the potential cost and litigation by not acting. Clerk Yamamoto said last Friday he sent the Board some bullet points on his thoughts about the system in Missouri. The 477-bed jail is continually over capacity and a greater concern is the lack of beds in certain classifications. Within the law enforcement and courts systems all reasonable efforts have been employed to keep people out of jail but at this point we have gone beyond releasing the best of the best, to the best of the worst, to inmates that should not be released at all. The solution to this problem is a new jail with a proper amount of beds and proper classifications but this requires the taxpayers to pass a bond and/or legislatively provide a local tax option, but that's a tall hill to climb and even if we attain that funding we are a minimum of three years or more out from that point, therefore, a short-term fix is necessitated. ADS - All Detainment Solutions - appears to be the best option we've seen so far. They are semitrailers configured to be welded together on site; the interior is all stainless steel with most of utilities accessed from built-in doors that are on the outside. They took a close look at it and found it to be a good system. He, along with Captain Ward and Controller Zach Wagoner, went to Green County to see the integrity of the structure, talk to the jailers, and determine the viability of the manufacturer and work the best deal that we could. ADS appears to be very well capitalized and so he has a good comfort level with the company. The original price quote has been extended to the end of July. Construction costs have gone up and it seems steel prices may continue to rise. There are some built-in savings due to the fact they get their trailers from Great Dane, and they placed a large order of these trailers at a very favorable price and so they are able to maintain the original quote until the end of July and then it will increase by an additional \$3.5M. The units would provide 122 female beds and would be placed adjacent to the existing jail on Chicago Street. Option 3 of the ADS options includes delivery, fence, ramp, and desks. This is a seven year lease with a buyout. The lease itself is nearly \$1.5M and the buyout is \$1.9M. The total lease and buyout is \$12.2M. The buyout is optional, we can walk away after seven years and that price is \$10.3M. He and the Controller put some numbers together using a \$1.5M lease and budgeted increase of \$500,000 in additional staff and operational costs which puts the cost at \$2M. The out-of-county housing costs, with year over year actuals from 2017 to date have gone up 444%, and the estimation for out-of-county housing in 2019 is \$1M and it will continue to go up with the state raising the outside bed payments to \$75. If you take the 122 proposed beds at \$75 a day that's \$9,150 per day multiplied over one year that is \$3.3M versus \$2M for a self-contained facility with little to no prisoner transport liability and expense. At present Canyon County is in a first position as far as an order with ADS but if we wait much longer there is a possibility others will get in and our order will be delayed. There's considerable interest from other jurisdictions, including a county in Colorado that's looking at this system as a full blown prison with over 800 beds. Sheriff Donahue said they will only have to utilize three employees to operate the system which makes it more affordable and appealing. Commissioner Rule asked if he is suggesting that we order the trailers and then try to get permits to build them. Sheriff Donahue said we need to see what ADS will allow us to do in terms of placing an order but we shouldn't get ahead of ourselves; it'd be in the best

interest to meet with the City of Caldwell and see what they will require. Commissioner Rule expressed concern with the tariffs that are coming and how it will impact the order, also, he doesn't see how it would be completed by the end of July. He is opposed to this concept. In the past he suggested using the unused space in the juvenile detention center but was told it would take too much manpower, but now we're hearing it only takes 3 employees to run a 122-bed facility. If work release was moved from the Dale Haile Jail it would open beds for whatever classification you have over there. He had a concept for a brick and mortar 192-bed facility with a plan to add on 200 more beds, which was an affordable concept. He doesn't think this is the right path and he cannot support it. Commissioner White believes ADS wants a contract, or something in writing, by the end of July that indicates we are moving forward with this as a temporary option and she believes that's doable. Sam Laugheed said it might be important to note that the Board isn't being asked to make any final decisions today, but there are a number of preliminary matters that need to be accomplished in order to reach that sort of final decision and given the nature of the project they thought it was best to have those preliminary decisions made on the record, such as the timeframe; authorizing the Facilities and DSD staff to work on permitting with the city; and authorizing contract negotiations so we can talk about potential raw material riders and non-appropriation clauses. Commissioner Dale said nobody likes to think about spending a lot of money on housing inmates, but it's an undeniable fact that with increased growth comes increased crime and we have to prepare for it. We are in a crisis situation with jail space and we know we will be spending at least \$1M in out-of-county housing this next year, assuming we can even find it, and that type of an arrangement of transporting inmates long distances and bringing them back and forth for court dates creates a great deal of risk and expense. We are considering moving forward with a plan that would add 120 temporary jail beds in a pod system set up on county property. It's a short-term solution to the crisis we face every day in finding bed space and without this we will continue to see dollars go out of county for rental space. Approving this plan will give the Sheriff a little bit of breathing room while we continue to work on the long-term solution for our jail needs. It's temporary; a permanent solution is a new jail. He made a motion to immediately begin the process of seeking the proper permits from the City of Caldwell and to instruct county attorneys and other related people who need to be involved in the discussion to begin the process of contract negotiations for the temporary jail pods. Commissioner White seconded the motion. Commissioner Rule asked if we are moving forward without filling up the cells in juvenile detention. Commissioner Dale said they toured the juvenile facility and there is some space that's not being utilized and then he asked the Sheriff to comment on that. Sheriff Donahue said even though there's bed space in the juvenile center it's like having space in our own jail. We have some available for low/minimum security inmates, but we don't have space for the high security, high risk inmates, and that's the bed space we're really in need of and that's not necessarily going to be accommodated by the juvenile detention center. It's more of a refit. You cannot house adult inmates next to juvenile inmates and you cannot have that interaction through the walls or in close proximity. There are many factors at that level of regulation that we cannot overcome. Commissioner Rule said Director Jett said we could block the entrances and put up the fence to separate it. Sheriff Donahue said with all due respect Director Jett does not operate an adult detention center, and the logistics of trying to do that are not nearly as accommodating as what we've seen here. Commissioner Rule said he's talking about work release, a completely different classification. Sheriff Donahue said if

we simply talked about work release and where it's being housed today we'd have to retrofit that open dormitory to gain any medium to high security aspect and that would cause further expense for 35 beds, and we'd have an expense of retrofitting it for high security and we haven't even entertained the thought of what that would cost. Commissioner Rule said it looked to be a couple hundred thousand dollars at most which is a lot better than a \$1M a year expense. His concern is the voters will see the stainless steel cells as a long-term fix. Sheriff Donahue said he doesn't disagree on that point but he said it's a short-term issue and at this point he is not in favor of purchasing those units. Having the lease option to buy is a good alternative but at this point he would rather lease than buy. The public understands the crisis we are in and we're shortchanging them in believing that they won't understand this is a short-term fix. It's a stop gap measure; it's not ideal in terms of what any of us wanted but these are the cards that have been dealt and it's the best possibility at the best price he has seen in both the operational side and the financial side of it. Clerk Yamamoto said Carter Goble Lee made the suggestion that it was a possibility that the juvenile center could be utilized as a jail and he thought that was a good idea to get us through in a pinch, but he and the Controller spent a day with Director Jett and jail staff and at the end of that day they decided it was not a viable option partly because it couldn't pass jail standards. Commissioner Dale said there is a motion and a second to authorize staff to move forward with beginning a process of seeking permitting. He is totally opposed to spending money on this contract without having permits first. The action also instructs county attorneys to move forward with negotiations on what a contract would look like and be inclusive of the types of things that Mr. Laugheed mentioned. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor and Commissioner Rule voting against the motion. The motion carried by a two-to-one split vote.

The next portion of the discussion was focused on the long-term vision and plan, specifically: ***Long-term strategy (New Jail proposal) – Consider giving direction regarding potential bond election (timeframe for action, identification of site and bed count) and authorization to re-engage under existing contract with DLR for revised cost estimate/procurement of bond counsel/public outreach, preparation of a RFQ for Construction Manager/General Contractor, and related preliminary matters.***

Commissioner Dale said we have been in discussions for a long time and been aware of the shortage of jail space for 15-20 years and the Sheriff is doing a good job managing a jail that was poorly designed and is woefully inadequate and undersized. There have been three bond attempts over the years. Our efforts at formulating a solution to this ongoing problem resulted with contracting with the DLR Group to conduct a strategic needs analysis last year. The roadmap included a rigorous selection process that ended up with DLR as the best group to meet our needs. We received that report last fall and it's created much debate over the last few months, most of which centers around the projected cost of a new jail. We have explored options and the locations that have been brought forward and he appreciates those who've made the effort to study this issue and bring ideas and options to our attention. We have come to a place where we either need to move ahead or admit we don't know what we're doing. We have a plan that's been brought forward and we need to take the next steps to move towards something we can take to the public as far as a plan to meet the jail space needs into the future. We need a long-term solution. Sheriff Donahue said DLR was selected by the County to develop and report on the long-term jail needs and it was done through a very rigorous process guided by the PA's Office. The study took place with substantial input

from all the primary stakeholders, specifically the Sheriff's Office and it took months and months of detailed information. There will always be a need for dormitory style beds, but the greater need is for the higher security. The County has done an exemplary job in alternative sentencing and after a decade of pioneering that we are truly the role model for the state but that system has outgrown itself. Currently we have anywhere from 600-750 people who are walking the streets under alternative sentencing programs where are least 300, on a daily basis, do not meet our risk analysis for being out on the those streets because we don't have any room in the jail and that is an important part of the DLR study. It was done through scientific methodology and it's hard to dispute the fact that these are the needs. DLR was contracted to do a study, they produced the results and said here's what it is, and here is where you will be into the future and here are some options you can explore by a brick and mortar building under this type of design based on what your needs are for this specific area. They entered in the construction costs and trends in the northwest based on their expertise and so he's asking the Board to consider accepting once and for all the DLR study on the parameters of what it was based under. There's no question the study closely examined our needs and by accepting that study on its value we can move forward. Commissioner Rule said he voted against the study because he didn't think it was needed because there are people at the county who know how many beds we need. After DLR recommended a cost of \$200M for 1100 beds we found multiple jails of similar size that were built for \$30M-\$40M less, also DLR's study also included \$1.5M in artwork. He believes it's an inflated study that should not be used and instead we should use our own common sense in this courthouse. He said the Sheriff sent a letter that states we should run a bond and if it fails we should petition for a judicial mandate to build the \$200M jail, but he does not agree with that philosophy, instead we need to get behind the philosophy of building a \$30M to \$60M facility, something the taxpayers will accept. Commissioner White said we are talking about the study and the judicial mandate was not part of how this conversation started. The people paid for the DLR study and it's defensible because of the methodology that was used by a professional company. At a public meeting DLR was leaned on a little bit and they removed \$30M from the price because of some changes in a program room and different things and now this will give us an opportunity to have a face-to-face meeting and work on some hard numbers. DLR needs to make this right and we need to complete this and get it done and if we move forward on a new jail it should be a 50-100 year facility, it shouldn't be a patch-up or a patch-on type of thing. We have the property and through this study we know what we need. Commissioner White then asked if a motion would be appropriate. Mr. Laugheed said the DLR report has evolved since its written iteration including after the meeting where they'd knocked off a certain amount for various programming and the number changed. He doesn't think we can recommend that the Board adopt the report as a blanket acceptance so he'd recommend the Board break it down into more discreet categories by having motions about the site moving forward, about the bed count moving forward, and about the estimated price moving forward.

Commissioner White made a motion to accept DLR's recommended bed count of 1044 as mentioned in their study. The motion was seconded by Commissioner Dale. Commissioner Rule said the public hasn't been given a proper opportunity to weigh in on this and at the last meeting the chairman shut down people who wanted to comment on it. He said the motion is premature until we have an opportunity to conduct town hall meetings and give the public a chance to weigh in. Commissioner Dale said there is no plan written down that he's seen

that says immediately upon a failure of a bond we go to a judge and say “overrule”. That is a last ditch effort and down the road somewhere that could happen but that’s certainly not in his plans as the best way to go. Commissioner Rule said he made that point based on Sheriff Donahue’s letter. Commissioner Dale said it could be a long run down there but that’s not in his plans at all. As for the number of beds, a lot of people ask if that will be enough for the next 20-30 years and others have talked about what number we need. If we count the 122 beds and the tent we will have 477 beds available and if you take away the tent which will outlive its life expectancy in another 3-4 years we’ll be down to 352 beds available. Currently there are 600-700 people on pre-trial release and alternative sentencing out of which 250-300 should be in jail so if we built a jail of 700-800 beds it would immediately be at capacity on the day it opened and that’s extremely shortsighted and a poor use of tax dollars to build something you know is not going to be utilized into the future without having to go out for more offsite beds. DLR is one of the leading firms in the nation and internationally and while there are areas for discussion and differences of opinion on what types of amenities ought to go into a new jail those are things that can be discussed down the road once we say our target is 1044. This action does not say we are accepting the design, it does not say we are accepting the suggested dollar amount, it says let’s move forward with this target goal of providing 1044 beds which should take us out to the next 20+ years. It is not committing to a dollar figure at all at this point. Commissioner Dale said he has advocated for public involvement but we’ve not had the opportunity yet because we’ve been running in circles about what the number is. A number was established by experts and we’re at the point where we need to accept DLR’s number so we can engage in discussion about the amenities within that facility that could bring the cost down considerably. Commissioner White said a jail study was done in 2006 which recommended 1300 beds by the year 2019. She’s not convinced 1055 is sufficient. She said the public needs to weigh in but we need to accept something we’ve paid for so we can get some movement going and our accomplishing something doesn’t silence the people. She wants to accept the 1044 beds. Commissioner Rule said HOK discredited DLR’s study saying our current needs are a little over 700 beds. DLR was wrong on the cost by \$30M-\$40M. He doesn’t know what the thoughts were on the 2006 study that recommended 1300 beds but the bottom line is the taxpayers said no and so we have to get our heads wrapped around doing something the taxpayers will pay for because they’re not going to pay for a \$200M bond for 1044 or 1055 beds. Let’s get real and start talking about something the taxpayers will support. Commissioner White said her “get real” right now is she has no idea what the people will do and she has to make a decision that is best for the county and for public safety. The people paid for the DLR study and she’s not going to thumb her nose at the money they paid. There are implications with our jail situation and insurance liabilities and she does not want to gamble with the taxpayers’ money on those types of situations so we have to start somewhere and by saying 1044 beds we can continue moving forward to accomplish something for public safety. Commissioner Rule said the public spoke loud and clear when they turned down three bonds in the amount of \$50M-\$70M and they didn’t weigh in on a \$250,000 study, they weighed in with votes saying don’t tax us to that level. Sheriff Donahue said just because the public voted it down three times doesn’t fix the problem. We are in crisis. The DLR study is a conceptual drawing, the program rooms were put into the study because that’s what society wants, they want to slow down and reduce recidivism. Program rooms are something that’s a standard in the industry and he doesn’t know if the county can get away from them in a brick and mortar

building. Commissioner Dale said he takes the long-term view of things and look at what it will cost if we continue with what we have. We looked at building an additional jail next to what we have but the ongoing costs in personnel and operational costs has to be considered. In today's jail design standard you can have a facility of this size contained in one location and it's extremely more efficient. He said when he ran for office four years ago he said any plan for a new jail which does not get us out of the current jail is shortsighted and it means we have to build a new jail. He said HOK said they could build a 1000 bed facility for \$130M-\$170M but that's still to be determined. We need to move forward and accept the number of beds as the number we're moving forward with for design and discussion with the public. Commissioner Rule said it's been pointed out in multiple studies that we need 700 beds and he then made a motion that instead of proposing a \$200M cost we move forward with a plan of 400 beds. He believes it would meet the needs and criteria and might get it passed, but anything over 1000 beds is a waste of energy. The substitute motion died for lack of a second. Commissioner Dale said if we did that we'd have to double our personnel costs which over the period of 10-20 years would more than pay for the cost of building the jail the right size and doing it right the first time. Mr. Laugheed said before the Board votes on the motion a little more context could be appropriate. He doesn't think any of the motions are final, they are preliminary to guide work that will be brought back to the Board to make a final decision. When talking about bed space and the site, the final decision would have to do with approving bond language if the Board were to decide to go out for a bond election and so having a motion to accept the DLR conclusion of 1044 beds doesn't mean we are locked in on that number, it's the direction that your staff, and Sheriff's Office and legal can use to move forward to present final decisions to the Board. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor and Commissioner Rule voting against the motion. The motion carried by a two-to-one split vote.

Commissioner Dale said it's been pointed out that we have not officially accepted the Pond Lane property as the desired and number one site for the new jail construction. Commissioner White said she was involved in that process and there was a committee that included herself, Rick Youngblood, Jerry Hess, the Melba School District Superintendent, and various citizens and they pulled together 7 or 8 sites and looked at them to find out why they would not work for a potential new jail site and the Highway 20-26 area was the site they selected because it was off the freeway and it made it convenient. Since then Caldwell has put the infrastructure in and she believes it would be a huge mistake to buy something else. She made a motion accept the site located at Highway 20-26 and Pond Lane. The motion was seconded by Commissioner Dale. Commissioner Rule strongly objected and said there hasn't been a chance for discussion before a motion was made. He said after previous bond attempts failed people complained about the location and there were indications the bond would have passed if the site had been closer to the existing jail. He believes the transportation costs associated with this site have been slipped under the carpet and he won't support the motion. Sheriff Donahue said the site is the ideal location and it's indisputable. In terms of transportation it's approximately three miles from the courthouse to the location and it's a shorter distance than Ada County travels to transport their inmates from their jail to the courthouse. He doesn't see the location as a hardship nor a great expense. He sees a greater expense and hardship in transporting inmates to Adams County, Owyhee County, etc. Commissioner Dale said we have evaluated sites in this approximate location and it was suggested we move forward with the Van Buren site and purchase the



properties around it, which would cost around \$12M and then add to that the cost of tearing down all those structures to be able to access the site. Additionally, you'd have to add in the cost of relocating water and sewer lines and anything else that's underground and the cost becomes exorbitant. He has had numerous conversations with the city officials who've said that's not their long-term plan for this area, they do not want a jail built here. He believes the study that went into this site several years ago is valid. We own it free and clear, the water and sewer lines are there and it is appropriately located and is the correct location we should move forward with in our plans. Regarding the comment about not having a discussion, he said Roberts Rules of Order are very clear that the discussion on a motion has to occur after the motion and second have been made and that's what we're doing here. We are following those rules that are very clear, there's been nothing done out of order. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor and Commissioner Rule voting against the motion. The motion carried by a two-to-one split vote. Commissioner White made a motion for staff to contact DLR and request an estimated updated project cost for July of 2018. The motion was seconded by Commissioner Dale. It was decided that jail staff will make the initial contact with DLR. Mr. Laugheed said he worked with the Sheriff last week on what today's agenda language would look like in order to have the sort of action items required by statute that could give the Sheriff's Office and legal and/or departments some direction to bring final decisions to the Board and so the agenda is for this direction regarding a potential bond election which would include the timeframe for action, the identification of the site, the bed count, and the second part is to re-engage under the existing contract with DLR for a revised cost estimate and so that's the current motion. The other sections that could be discussed would be procurement of bond counsel and re-engagement under the existing DLR contract for the public outreach component. There are a number of specific motions that go to a bigger picture aimed at potentially bringing to the Board a decision about bond language and contracts and things like that. Commissioner Rule said if we're going to take this action we should try to keep it realistic, to get a cost analysis for July of 2018 doesn't make any sense since you're not even to bond. It will take a year or 18 months to get through this whole process with financing, bonding, etc., if it passes. You might as well do a projected cost for 2020 or 2021 when you would actually do the construction. Commissioner Dale said the motion on the floor would be to direct staff to engage with DLR to ask for an updated cost analysis. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion. The motion carried unanimously.

Commissioner Dale believes that cost analysis may be influenced by the fact that we have gone out for a Request for Information (RFI) and there are a number of entities beyond DLR that are interested in this project and willing to provide information and so that may have an influence on the number we get. Sheriff Donahue asked for confirmation that his office will be contacting DLR to request the new estimate currently into 2019-2020, and more realistic in terms of present day costs since their last rough estimate of \$170M. Mr. Laugheed said that's what he understood. The reason it would come from the Sheriff's Office is because the jail commander has a better relationship with the people on the ground at DLR who are doing the work and if staff reaches out and says we need to re-engage under the contract Mr. Laugheed will be happy to follow up. He said if the Board is potentially looking to have development of bond language, the other action item is for the timeframe. The next available bond election date will be in November and the work that would need to be done in advance

of that would include retention of bond counsel and so if the Board wants to have a motion on the timeframe that would give additional direction. Commissioner Dale asked if our window of opportunity is gone for November, but Mr. Laugheed said there was a public outreach component in the original contract with DLR and they had spoken with the Board about a proposed plan for that outreach and educational process. It seems like DLR emphasized a big push in the final two months, and he believes bond language has to be approved 60 days out so technically we are still within the time it could happen if that's the Board's direction and if we get moving with bond counsel and get moving with the outreach and the other components. Commissioner Dale wants to get it on the November ballot with some sort of bond but the likelihood of that succeeding is difficult. Our best option for financing a project of this size would be to go to the legislature and ask them to give us the local option authority for tax. We could pay for a jail of this size in five years and save \$70M in interest costs and that makes a lot more sense than property tax. He is optimistic that we could see some sort of local option authority given in this next legislative session. If we are able to meet the timelines for a bond on the ballot in November and should that not pass then the next opportunity is to go the legislature and say we have exhausted all means available to us presently for funding a project of this nature and we need some other financial tools and please give us some opportunity to reduce the load the property taxes and help out with the local option sales tax. In order to make that strong push in the next session it'd be beneficial to have a bond in November. Mr. Laugheed said the kind of motion that would facilitate that kind of progress and would address the other things on the agenda would be a motion to authorize progress towards a November bond election, which would cover us bringing a bond counsel contract to the Board, cover the re-engagement on the outreach, and it would cover preparation of an RFQ for a construction manager/general contractor which is a downstream step aimed at the cost savings. That motion would give sufficient direction to make progress to come back to the Board for final decisions. Clerk Yamamoto said if you want a bond to pass in November it's too late. He questioned if the idea is to go forward knowing it won't pass and using that as a lever with the legislature. He will not support a \$200M jail; he doesn't know what number he would support, but as far as judicial confirmation, he doesn't see it happening and if that did happen people would be angry. Commissioner Dale said the possibility of that is slimmer than the possibility of getting local option sales tax through the legislature. He doesn't think we have a judge that would make that kind of ruling. He then made a motion to authorize staff to work to make progress on a potential November bond election. The motion was seconded by Commissioner White. Commissioner Rule asked if that includes hiring bond counsel and Mr. Laugheed said it would not, it would authorize us to work with DLR to find bond counsel. Commissioner Dale said the answer he is looking for is whether it's possible to have that election in November. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor and Commissioner Rule voting against the motion. The motion carried by a two-to-one split vote.

The meeting concluded at 12:40 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:46 p.m. for a monthly meeting with the Administrative District Judge and Trial Court Administrator to discuss general issues, set policy, and give direction. Present were: Commissioners Tom Dale and Steve Rule, Administrative District Judge Susan Wiebe, Trial Court Administrator Doug Tyler, Clerk Chris Yamamoto, and Deputy Clerk Monica Reeves. While waiting for Commissioner Rule to arrive Judge Wiebe reviewed a list of the names under consideration for Judge Klein's position. The Magistrate Commission will meet the end of August to fill the position. Today's discussion centered on the issue of supervision of the magistrate secretaries. Judge Wiebe said the Board and Clerk Yamamoto signed a letter indicating they want to move the magistrate secretaries under the auspices of the Clerk and as she understands it one of the reasons is due to scheduling issues and how he has more manpower so that if a secretary is away on vacation he could have someone else step in, but she hasn't found that to be an issue. A bigger issue is the relationship between the secretaries and the magistrates. The secretaries are in a specialized position that requires a level of understanding and cooperation with that judge and she doesn't think it's a good idea to change the way they have been doing it. She said they tried it at the juvenile justice center but one of the judges has gone through four clerks in three years and so turnover is a concern. It is a blended position for the Courts and the Clerk and statutorily under her Administrative District Judge position she is charged with supervising the clerks of the District Courts in the discharge of clerical functions so whether they are under the auspices of the Clerk she is still in charge of the way they are scheduled. Judge Wiebe said it seems like we are doing shuffling where it doesn't need to be done and in the end she will be directing the clerks anyway. Commissioner Dale asked why Canyon County is the only county doing it this way. Judge Wiebe said she doesn't know why it started here or what prompted having secretaries but they do have a unique function in Canyon County and they provide a better output than a lot of the other the counties because they are the ones who can schedule things and have the time to talk to the attorneys. Clerk Yamamoto said the Odyssey program has pointed out some things and beyond that it's the language access for interpreters, and we have a Board that felt like the County should have more control over the people we're paying rather than the state and that was a big driver as to the decision. He does not have a problem with the current secretaries, but he said one of the problems is that a little too often there's to be only one magistrate secretary here on Fridays and if he has supervision authority he will have secretaries here and backup will be provided.

Commissioner Dale asked what operational or efficiency differences would result from having dedicated secretaries or from going to the model of having it fall under the Clerk of the Court. Doug Tyler said he doesn't agree that Friday is often a day where we are down to one secretary. He also said nearly every visiting judge has expressed support for the current setup. The secretaries spend a lot of time scheduling trials and special hearings where they have to make 8-12 phone calls to get attorneys scheduled on the right day for the judge and the clerks at the front desk used to do some of that but it ate up all of their time and so the efficiency was that we didn't have people saying the court date wasn't good for them. Mr. Tyler said the clerks and the secretaries have had a good working relationship. Clerk Yamamoto said there would be some built-in efficiencies in that they won't be adding people, they will utilize what they have and they will have a lot of backup. Commissioner Rule said he agrees with Clerk Yamamoto's philosophy and said he does not like shared employee

situations because he has been through a tremendous failure with a shared employee between the Courts and the County. Commissioner Dale said he has no doubt the secretaries and clerks are doing a great job but one of the prime considerations is trying to get rid of the conflicts due to the basic structure of shared employees because there are conflicts that continually seem to come up. It seems odd that Canyon County assumes all of the personnel responsibility as well as payment and benefits and yet we have no oversight or supervisory role. Judge Wiebe said she's not aware of any issues with the magistrate secretaries in terms of a shared employee problem. Clerk Yamamoto said he sees problems but he's not going to delineate it because he doesn't want to create a problem. Mr. Tyler said he sat in on a number of meetings Judge Wiebe had with the judges and what he understood is that the judges would like to talk to the Clerk about specifically what the changes are and what differences it will make operationally, and believes they are receptive to having a productive discussion. Clerk Yamamoto said he can do that, and then he asked if the Board's decision is on hold. Commissioner Dale said the Board hasn't made a decision and Commissioner Rule said he's fully supportive of it but we should check with legal counsel. Commissioner Dale wants to discuss it more with Judge Wiebe and move cautiously. Clerk Yamamoto said he believes the Board's letter took official action. Commissioner Rule said we need to check with legal counsel and see if the letter is the appropriate action and we'll move from there. Judge Wiebe said the letter states *"We intend to do this as of July 2 absent your objection, in which case we will be happy to meet."* She was objecting and she didn't think a decision had been made. Commissioner Dale said that's how he read it too and since there was an objection we have to hold off and re-evaluate. The meeting concluded at 2:07 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – CONSIDER APPLICATION FOR CASUALTY LOSS UNDER IDAHO CODE §63-602XX (CANCELLATION OF VALUE) FOR JC WATSON COMPANY; AND CONSIDER FINAL RECOMMENDATIONS FROM COUNTY ASSESSOR

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:08 p.m. to consider an application for casualty loss under Idaho Code §63-602XX (cancellation of value) for JC Watson Company, and to consider final recommendations from the County Assessor. Present were: Commissioners Tom Dale and Steve Rule, Assessor Brian Stender, Administrative Property Appraisal Supervisor Greg Himes, Administrative Analyst Jennifer Loutzenhiser, and Deputy Clerk Monica Reeves. Assessor Stender said an onion fire storage facility caught fire Thursday night and he was able to make contact with Jon Watson of JC Watson Company and they filled out the paperwork for a casualty loss exemption. It will be prorated from the day it happened to the end of the year. Upon the motion of Commissioner Rule and the second by Commissioner Dale, the Board voted unanimously to grant the exemption for Parcel No. 19315000 0 with a quotient of .507%. Assessor Stender said the exemption is just for the real property. They may have some forklifts and a fan inside the structure but once things settle down they may come back before the Board. Also, he stated there is a nearby house that suffered water damaged as a result of the efforts to try to contain the fire so that may come before the Board as well. Having no further business to consider for the Assessor's Office Commissioner Rule made a motion to close the Board of Equalization for 2018. The motion was seconded by Commissioner Dale and carried unanimously. The meeting concluded at 2:12 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

**JULY 2018 TERM**

**CALDWELL, IDAHO JULY 10, 2018**

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

No meetings were conducted.

**JULY 2018 TERM**

**CALDWELL, IDAHO JULY 11, 2018**

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

No meetings were conducted.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 12, 2018

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

APPROVED CLAIMS ORDER NO. 7/12/18

The Board of Commissioners approved payment of County claims in the amount of \$3296.57 for accounts payable.

APPROVED CLAIMS ORDER NO. 7/11/18

The Board of Commissioners approved payment of County claims in the amount of \$4395.90 for accounts payable.

APPROVED CLAIMS ORDER NO. 7/25/18

The Board of Commissioners approved payment of County claims in the amount of \$155,197.18 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Dell in the amount of \$25,011.32 for the Information Technology department
- Northwest Service Technologies in the amount of \$2950.00 for the Facilities department
- Pathway Connect in the amount of \$1065.00 for the Facilities department
- Teds Electronics in the amount of \$2779.13 for the Sheriff's Office

CONSIDER INDIGENT DECISIONS

The Board met today at 9:01 a.m. to consider indigent decisions. Present were: Commissioners Pam White and Steve Rule, Director of Indigent Services Yvonne Baker, Customer Service Specialist Robin Sneegas, Leslie Van Beek and Deputy Clerk Monica

Reeves. The following cases do not meet the eligibility criteria for county assistance: 2018-1051, 2018-1047, 2018-1055, 2018-1059, 2018-1056, 2018-1052, 2018-1044, and 2018-1048. Upon the motion of Commissioner Rule and second by Commissioner White, the Board voted unanimously to issue initial denials within 30 days. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to approve Case No. 2018-1184. The meeting concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-774

The Board met today at 9:07 a.m. to conduct a medical indigency hearing for Case No. 2018-774. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Julie Wood from Saint Alphonsus, Interpreter Grace Arroyo, the applicant and her granddaughter, Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to continue the case to September 6, 2018 at 8:45 a.m. The hearing concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-666

The Board met today at 9:16 a.m. to conduct a medical indigency hearing for Case No. 2018-666. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Julie Wood from Saint Alphonsus, the applicant and his friend, Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to continue the case to August 9, 2018. The hearing concluded at 9:22 a.m., but at staff's request the Board went back on the record at 9:24 a.m. to amend the hearing date. Commissioner Rule amended his motion to continue the case to December 27, 2018. The amended motion was seconded by Commissioner White and carried unanimously. An audio recording is on file in the Commissioners' Office. The hearing concluded at 9:25 a.m.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-667

The Board met today at 9:30 a.m. to conduct a medical indigency hearing for Case No. 2018-667. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Attorney Mark Peterson, Cortney Kriss from St. Luke's, the applicant and his wife, Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to continue the case to September 6, 2018. The hearing concluded at 9:45 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-617

The Board met today at 9:48 a.m. to conduct a medical indigency hearing for Case No. 2018-617. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Attorney Mark Peterson, Ashley Hessness from St. Luke's, Leslie Van Beek, and Deputy Clerk Monica Reeves. The applicant did not appear for today's hearing. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to place the case in suspension pending the outcome of the Medicaid decision. The hearing concluded at 9:54 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-662

The Board met today at 9:59 a.m. to conduct a medical indigency hearing for Case No. 2018-662. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Julie Wood from Saint Alphonsus, the applicant, Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to, pending approval, issue a written decision within 30 days. The hearing concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-658

The Board met today at 10:04 a.m. to conduct a medical indigency hearing for Case No. 2018-658. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George, Julie Wood from Saint Alphonsus, Leslie Van Beek, and Deputy Clerk Monica Reeves. The applicant did not appear for today's hearing. Upon the motion of Commissioner White and second by Commissioner Rule, the Board voted unanimously to continue the case to August 9, 2018. The hearing concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER INDIGENT MATTERS

The Board met today at 10:10 a.m. to consider indigent matters. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Jim Cornwell, Indigent Services Director Yvonne Baker, Hearing Manager Kellie George, Julie Wood from Saint Alphonsus, Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to continue Case Nos. 2018-714 and 2018-747 to September 6, 2018 at 9:00 a.m. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to issue a final denial with a written decision to be issued within 30 days for Case No. 2018-



555. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to issue final denial on Case Nos. 2015-1175 and 2015-1556. (The Board went off the record at 10:12 a.m. but went back on the record a few seconds later for Kellie George's report where she stated that neither the hospital nor the applicant appeared for the following cases and staff is asking that a final denial be issued within the next 30 days: Case Nos. 2018-739, 2018-668, 2018-757, 2018-671, 2018-805, 2018-754, and 2018-681. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to issue a written denial within the next 30 days for the cases that Ms. George read into the record. The meeting concluded at 10:13 a.m. An audio recording is on file in the Commissioners' Office. An audio recording is on file in the Commissioners' Office.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Chonies Sports Bar, LLC dba Chonies Sports Bar. See resolution no. 18-128.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Whiskey River, LLC dba Whiskey River. See resolution no. 18-129.

#### CONSIDER SIGNING FINAL PLAT FOR BRITTANIA NO. 3, CASE NO. PH2018-11

The Board met today at 1:34 p.m. to consider the final plat for Britannia No. 3, Case No. PH2018-11. Present were: Commissioners Pam White and Steve Rule, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Jeff Hess, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The preliminary plat was approved on June 23, 2016 and the final plat conforms to the approved preliminary plat. The property is served by one private road lot and one common lot and will utilize City of Nampa domestic water system, community sewage treatment systems, and pressurized irrigation. The applicant has secured a letter of credit for the subdivision improvements that need to be completed. There is work remaining on the pressurized irrigation system, the private road including road signs, perimeter fencing, and acceptance of the water system that includes pressure tests, flushing, samples, and collar valves. The letter of credit that was submitted has been reviewed by the Prosecutor's Office and found to meet County requirements. Staff recommends approval of the final plat. This phase of the project does not access off Amity Road but subsequent phases will. They are developing the project phase by phase so right now McDermott Road will be the access point. Commissioner Rule made a motion to authorize the Vice Chairman to sign the final plat for Britannia No. 3. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 1:38 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 13, 2018

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

No meetings were conducted.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 16, 2018

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

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

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- CDW-G in the amount of \$1515.00 for the Facilities department
- HP, Inc. in the amount of \$1530.82 for the Information Technology department

APPROVED CLAIMS ORDER NO. 7/25/18

The Board of Commissioners approved payment of County claims in the amount of \$59,272.57, \$96,469.55 and \$357,741.10 for accounts payable.

FILE IN MINUTES

The Board filed the monthly report of the Canyon County Treasurer for May 2018 and tax charge adjustments by PIN for May 2018 in today's minutes.

## CONSIDER SIGNING JULY 16, 2018 AGENDA ITEMS

The Board met today at 9:02 a.m. to consider the July 16, 2018 agenda items. Present were: Commissioners Pam White and Steve Rule, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell, Chief Deputy Sheriff Marv Dashiell, Captain Bill Adams, Indigent Services Director Yvonne Baker, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Consider signing Independent Contractor/Professional Services Agreement with Correctional Health Partners, LLC*** - Sam Laugheed requested this item be continued to a later date. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to continue the agreement to July 30, 2018 at 9:00 a.m.

***Consider signing Melba School District #136 and Canyon County Law Enforcement Services Agreement for 2018-2019 School Year*** – The Prosecutor’s Office has reviewed the agreement. Chief Dashiell said this is a first time negotiation contract, for 20 hours a week and \$20,000 for a school resource officer position. They will renegotiate next year. The school districted wanted a partnership with the City of Melba but the Sheriff’s Office said it cannot afford the resources being applied under those circumstances. Chief Dashiell said going into the future, the schools will have to look for a different solution rather than contracting with law enforcement because it’s a big draw on the resource and taxpayers so they’ve recommended the schools look at hiring private security to work as employees of the school district. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to sign the law enforcement services agreement. (See Agreement No. 18-086.)

***Consider signing Designated Examiner Agreement with Dr. Jacob Atkinson, PsyD.*** – The Prosecutor’s Office has reviewed the agreement. It’s \$100 for a designated exam and \$100 per day of testifying. Director Baker said it’s one of many contracts, and it’s good to have more because they tend to have a problem getting psychiatrists to do the second designed exams. Upon the motion of Commissioner Rule and the second by Commissioner White the Board voted unanimously to sign the designated examiner agreement. (See Agreement No. 18-087.)

The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners’ Office.

EXECUTIVE SESSION MEETING UNDER IDAHO CODE §74-206(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE IN WHICH THE GOVERNING BODY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

Commissioner Rule made a motion to go into Executive Session at 10:03 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Brad Goodsell, Chief Deputy Assessor Joe Cox, Administrative Analyst Jennifer Loutzenhiser, Director Tina Wilson from the Western Alliance for Economic Development, and Deputy Clerk Monica Reeves. The Executive Session concluded at 10:46 a.m. While in open session, Commissioner White said there was discussion regarding Project Green but there were no decisions and no action was taken. She also noted that no action was taken on Project Rain either. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Caldwell Housing Authority dba Farmway Store. See resolution no. 18-130.

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

The Board met today at 10:48 a.m. for a meeting with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Steve Rule, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman requested signatures from the Board on several titles for vehicles he would like to auction. He is in the process of replacing a service writer and thinks they have it narrowed down to the person they'd like to fill the position. The position will probably be filled by someone in-house requiring a reclassification of the position, Mr. Tolman will work with the HR department on this. The meeting concluded at 10:56 a.m. An audio recording is on file in the Commissioners' Office.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 17, 2018

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

APPROVED CLAIMS ORDER NO. 7/12/18

The Board of Commissioners approved payment of County claims in the amount of \$28,943.33 for accounts payable.

#### APPROVED CLAIMS ORDER NO. 7/25/18

The Board of Commissioners approved payment of County claims in the amount of \$15,741.34 for accounts payable.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- HP, Inc. in the amount of \$7442.82 for the Information Technology department
- Henriksen Butler in the amount of \$2300.00 for the Prosecutor's Office
- Dell in the amount of \$2752.80 for the Information Technology department

#### CONSIDER SIGNING CANYON COUNTY FAIR ENTERTAINMENT AGREEMENT WITH DANZA AZTECA TONATIUH - ERIKA GARCIA

The Board met today at 9:03 a.m. to consider signing a Canyon County Fair entertainment agreement with Danza Azteca Tonatiuh - Erika Garcia. Present were: Commissioners Pam White and Steve Rule, Fair Director Diana Sinner, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Zach Wesley said this agreement is for a dance group to perform on Sunday. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the Canyon County Fair Entertainment agreement with Danza Azteca Tonatiuh – Erika Garcia (see agreement no. 18-088). The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH DIRECTOR OF JUVENILE DETENTION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:04 a.m. for a monthly meeting with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Steve Rule, Director of Juvenile Detention Steve Jett and Deputy Clerk Jenen Ross. Director Jett updated the Board on the following items: numbers have been fluctuating greatly over the past few months; he recently met with a representative from Summit regarding their food service and they have come up with some ideas on receiving the food in a timelier manner; they have found some less expensive radios that seem to be working just as well as the more expensive ones so they are going to continue purchasing and using those; so far 147.67 pounds of produce have been harvested from the garden; new hires are doing well and are in training now; the BLM was in last week to do

some programing with the kids and advocates are in this week to conduct healthy relationship classes, SWDH will be in next week to conduct the smoking cessation class; two conferences are coming up in October that Director Jett will be sending some of his staff to and use of force training will happen in August. The meeting concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTORS OF JUVENILE PROBATION AND MISDEMEANOR PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:14 a.m. for a monthly meeting with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Steve Rule, Director of Misdemeanor Probation Jeff Breach, Chief Probation Officer Elda Catalano and Deputy Clerk Jenen Ross.

*Director Breach updated the Board on the following items:* PO Appreciation week is happening this week; Ada County visited last week to see how Odyssey is working and how his department is using it; the new priority of payments started on July 1<sup>st</sup> so misdemeanor cost of supervision will move to no. 3 from this point on; 1108 offenders are on active supervision, 435 offenders are on bench warrant status and they finished the month with 269 offenders in the community service program; he will be meeting with the Prosecutor's Office to discuss a domestic violence court.

*Chief Probation Officer Catalano updated the Board on the following items:* her office is having a PO appreciation lunch tomorrow where 13 staff will be recognized for longevity of service along with the Probation Officer of the Year; they are continuing to work on the kickball tournament/Truancy Prevention event happening on August 25<sup>th</sup>, so far they've received about \$4000 in monetary donations along with other supplies and food; they anticipate having about 15 backpacks with school supplies to be given away along with bikes that will be raffled off; with help from Zach Wagoner they are now getting monthly reports on monies that are being received so they are accounting for them in their system and tracking them for the IDJC end of the year report; caseloads are continuing to increase.

The meeting concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 18, 2018

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

### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Parabon NanoLabs in the amount of \$6680.00 for the Sheriff's Office
- Johnston Supply in the amount of \$1511.00 for the Solid Waste department

### APPROVED CLAIMS ORDER NO. 1821

The Board of Commissioners approved payment of County claims in the amount of \$1,545,995.22 for a County payroll.

### EXECUTIVE SESSION – RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE, 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 9:03 a.m. for a legal staff update. A request was made to go into Executive Session to discuss records that are exempt from public disclosure, attorney-client communication, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:*

Commissioner Rule made a motion to go into Executive Session at 9:04 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:10 a.m. with no decision being called for in open session.

### RECEIVE CANYON COUNTY CLERK'S FY2019 SUGGESTED BUDGET

The Board met today at 9:32 a.m. to receive the Canyon County Clerk's FY2019 suggested budget. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, Sheriff's Finance Manager David Ivers, Chief Civil Deputy P.A. Sam Laugheed, Chief Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Leslie Van Beek, Nicole Foy from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Clerk Yamamoto said we are seeing tremendous population growth in the County and it's putting a strain on the mandated services we must provide. Our goal with the budget is to maintain the best public service possible at a reasonable cost. The taxpayer always dictates our decisions. He said

this budget season is odd in that timing and circumstances required that some of the budget sessions did not include a full Board, in fact some of the work was with one Commissioner. The work he and the Controller did was the same as usual in that they worked with every department to determine their needs. Due to these circumstances he asked that they be allowed to present the entire budget in the hour and half that's been allotted. A second session is scheduled for tomorrow.

Controller Wagoner said over the past 18 months the health insurance fund balance is up \$4 million and that's a combination of two factors: 1) increased contributions from the employer and 2) our claims costs have decreased. 18 months ago it was pushing zero. They are not recommending increasing the employer contribution or increasing the portion the employees have to pay.

He reviewed the FY2019 suggested expenditure budget as follows:

Animal Shelter budget - Has changed by \$100,000 due mainly to an accounting change. \$200,000 is for shelter operations and \$100,000 is for building projects and maintenance

Assessor's Reappraisal – Increase of \$270,000 is for a new position, an aerial flyover, and consulting appraisers.

Buildings and Grounds – The "B" budget expenses are down roughly \$400,000 due to the courthouse painting project, fencing project and anticipate those being done this year.

Clerk Auditor and Recorder – Includes a new position in the Recorder's Office

Clerk of the Court – The "B" budget has decreased due to Odyssey costs going away.

Consolidated Elections – Decrease in other expenses as a result of \$40,000 less for our election judges and decrease in professional consultants line of \$40,000 as well.

Coroner – Decrease in other expenses due to vehicle that was included in the 2018 budget, no need to include it in the 2019 budget.

County Agent – \$3,600 Increase in salaries and benefits for a temporary position.

County Fair – Increase in other expenses of \$400,000 for a drain tiling project and \$100,000 for the architectural and engineering fees for a possible new building.

County Fleet – Increase for two fleet vehicles and Director Tolman can assign the appropriate vehicles to the PA's Office.

County Weed Control – Salaries and benefits has decreased due to a workers compensation audit where the rate went down. Increase in "B" budget is for a dark fiber project for connectivity to run fiber down I-84. It's split between the weed and pest budgets.

Court Device – There is an increase of \$65,000 for evaluation services; there are no property tax dollars in that fund.



Development Services - There is a significant amount of activity in this budget, included in their "A" budget there is \$175,000 for two new positions and one upgraded position. On the "B" budget side they've included \$100,000 for services related to mechanical inspections. There is the possibility of a tremendous project in the County (\$80 million) and we would need additional help with mechanical inspections. The revenue would more than offset the \$100,000.

Emergency Communications - Budget has increased and it represents funds for a Spillman upgrade, data migration and ongoing maintenance for the next five years for a total cost of \$920,000. It's projected to save over \$250,000 over the next five years.

Human Resources – Increase in "B" Budget for training, for professional consultants to offer training.

Indigent Medical Care and Assistance – There has been a decrease in provider payments so they have reduced the budget amount by \$300,000 and have increased the involuntary commitments by \$150,000.

Juvenile Detention – Includes funding for two new positions as well as replacement of computers and copiers.

Juvenile Probation – Includes funding for a new juvenile probation officer position; pay for it with lottery tax monies.

Landfill – Activity is up and they are recommending a new fee collector position; also included is major capital purchase of \$475,000 for a loader.

Misdemeanor Probation – Salaries and benefits increased, this is an area where their workers comp percentage increased; "B" budget includes monies for computer equipment replacement.

DMV - \$40k decrease due to an accounting change in how the state is receiving some of their monies.

Parks – Salaries and benefits of \$8,500 for a new part-time position for a canoe school project that is grant funded and they included \$25,000 for increased pay for part-time staff, retaining capable talented part-time employees has been a challenge and they requested additional payment for staff.

PA – Includes funding for a fulltime attorney position and a part-time scanning position; yesterday the PA informed the Clerk that they were awarded the contract for the City of Caldwell so we'll need to adjust the budget to include those amounts in the 2019 budget. (That will change this afternoon or before tomorrow morning.)

Public Defender – Includes funding for an additional attorney position and an upgrade of two legal support specialist positions. The County makes contributions to the capital crimes

defense fund; in prior years they were expensed from the current expense fund but he recommends the contribution come from the PD budget.

Sheriff - The budget includes a portion of the Spillman upgrade, \$400K is included in the Sheriff's budget and \$1.5M for a trailer housing lease payment to address overcrowding issues at the jail.

Problem Solving Courts – The budget has decreased due to expenses related to evaluations, will now be partially paid from the court device fund.

Treasurer – There is an increase in salaries and benefits; Treasurer and Assessor have coordinated a plan to share a position. The position is already in the Assessor's Office, we are not adding a position, just splitting it between the two offices.

Pest Control District – The "A" budget is up \$66,000 included there is a new fulltime position for a weed and pest applicator and monies for a seasonal position as well. The increase for the dark fiber connectivity project, cost again being split with weed control.

The total suggested operating budget is \$94,913,033, which is an increase of \$5.6M from the FY2018 budget. The majority of what we budget for is public safety.

Significant items in the FY2019 suggested budget:

- \$10,260,432 budgeted for employee health insurance
- \$2,288,124 budgeted for the continued implementation of the compensation plan
- \$2,650,000 budgeted for involuntary mental commitments under indigent medical
- \$2,322,763 budgeted for jail overcrowding
- \$1,344,576 budgeted for Spillman server upgrade, data migration, and ongoing maintenance for Sheriff's Office and emergency communications
- \$1,200,000 budgeted for medical provider payments under indigent medical
- \$829,305 budgeted for new and upgraded positions

Controller Wagoner said the TCA requested a fulltime judicial marshal and a part-time administrative assistant, but he and the Clerk felt it wasn't the appropriate time to add a marshal position right now. Weed and Pest requested an assistant superintendent position but they felt like the addition of an applicator position would free up the superintendent's time where he could perform superintendent related duties. Commissioner Rule said the Board discussed creating a future building line item funded by excess sales tax and building revenues and he wants to know if that's included in the budget. Controller Wagoner said no, there is no line for that in this budget, but we still have an amount of fund balance reserved for capital construction. Commissioner Rule said right now the Clerk takes any excess sales tax and he controls it throughout the budget but he believes the excesses should be dedicated to that building line item. Controller Wagoner said when we developed the 2018 budget a year ago we chose to allocate \$3M of fund balance to the 2018 budget, and the amount assigned for capital projects was \$6M, we reduced that by \$3M. \$3M of cash in the bank was used to fund the 2018 budget. Commissioner Rule said we're never going to build up a future

building line item if the Clerk keeps taking it out and funding other parts of the budget, and at some point we're going to have to choose if we're going start saving money for specific building projects or if we're just going to buy computers and cars and fund new positions. He said we need a dedicated building project and if we'd done that last year we could have had \$9M in it this year. The line item could be funded with excess sales tax; this year we're going to have excess building revenues of probably a \$1M and then you can dedicate some funds to it if the Board chooses. Controller Wagoner said we are not going to have excess positive net income for FY2018. We used \$3M of cash on hand to fund operations for FY2018. Commissioner Dale said a large part of that was the need to make our health insurance fund solvent. Commissioner Rule said the employer did that but most corporations throughout America have their employees pay for that. Commissioner Dale said medical insurance is something we provide and we promise our employees that we'll give them good benefits. Our medical insurance is on par with other agencies, it's not excessive over anybody else's. It's also something that for a 10-year period of time was allowed to significantly diminish to the point where we were close a zero fund balance which is totally unacceptable and that's why we had to infuse that amount of money this last year. Clerk Yamamoto said in the last three weeks they've lost two job candidates who didn't accept because of other government agencies that had a better health program. He's not saying ours is bad but there are several other entities that have better programs. Commissioner White said training is expensive, and retention is a huge economic positive for companies to be able to have good retention. Commissioner Rule said he has a problem with the \$1.5M that's been budgeted for jail trailers.

Controller Wagoner reviewed in more detail the property tax and funding (referring to the second handout). The suggested FY2019 budget includes the following priorities:

**Address urgent, immediate, and pressing issue of jail overcrowding**

- Continue efforts with All Detainment Solutions (ADS) and the City of Caldwell for temporary jail trailer housing for 122 inmates
- Allocated \$2.3 million dollars of previously forgone property tax revenues to address jail overcrowding

**Provide Adequate, Trained and Skillful Staff**

- Addition of 11 fulltime positions in targeted areas with increased demand for services
- Continue implementation of the compensation plan with a 2% cost of living adjustment and a 1% equity pool
- No increase in employer or employee health care contributions

**Maintain Responsible, Fair, and Suitable Levels of Funding for Mandated Services**

- Property tax request is \$4.395 million below allowable amount
- General revenues (sales tax) are allocated for required services
- Individual accounting funds are optimized for maximum financial benefit

The maximum property tax allowable is \$56.5M and they are suggesting a levy amount of \$52.1M, which is \$4.3M less than our maximum allowable amount. Out of that \$52.1M \$2.3M is the amount of forgone property tax increases that are being included to address challenges related to inmate housing and jail overcrowding issues. He reviewed Page 3 of the handout noting the suggested property tax levies by fund. Page 4 shows the property tax levy authority and the property tax levy amount actually requested over the past 10 years. Canyon County has left over \$67M in taxpayers' pockets by not requesting our maximum allowable every year. Page 5 shows the history of the County's levy rate. In 2011 it was .00495 and they are estimating the levy rate for 2019 to be .0040.

### **FY2019 Jail overcrowding budget of \$2,322,763**

Commissioner White asked if we have a contingency if the out-of-county housing cost becomes out of state costs. Controller Wagoner hopes we don't end up there but if we do he feels the \$2.3M gives us room to address those issues. Chief Marv Dashiell said they don't have any place out of state at this point. The nearest place he's aware of is the Tri Cities area and Kootenai County is housing there, and it's a 4-5 hour one-way trip. Kootenai County paid over a \$1M last year in out-of-county housing with up to 6-hour one way trips on their transports. Commissioner Dale said he too has a problem paying for the trailers but we have to meet the challenge of this immediate crisis on overcrowding jail space. Nobody thinks this is an end all solution. The nearly \$1M we are currently paying in out-of-county housing reduces the impact of the \$2.3M we will pay for the temporary housing. Controller Wagoner said we are hoping to acquire 122 beds that will be tremendously beneficial to the County. Currently the housing cost is \$60 per day, but the state has raised what they are paying to \$75 a day so we expected our \$60 to increase. 122 beds x \$60 a day times 365 days is \$2.6M. If you change that to \$75 a day it's \$3.3M. The value of 122 beds is around \$3M, assuming you can find them. Commissioner Rule said that's not realistic because they're only putting women in that facility if it's approved, and we are not going over 100 women today. We are not hitting those numbers so those dollar amounts are inflated. Clerk Yamamoto said with this facility it would open up 68 beds for reclassification and that's where our hope would be that the out-of-county housing will go away.

Controller Wagoner referred to the summary of the suggested budget on Page 7. The budget is balanced using \$5M of fund balance. The County has not spent 100% of what was budgeted. They are not predicting that \$5M of fund balance will be used, they're just using it as an accounting tool to balance the budget. Commissioners Dale and White both said they need more time to review the budget information. Clerk Yamamoto said they cannot nail anything down right now because the Assessor is still juggling things from board of equalization. Controller Wagoner said they're still waiting on operating property values from the state and they won't have a final value amount until September. He hopes to finalize it over the weekend and then he will prepare the budget for publication. The budget is scheduled to be signed on Monday, July 23 at 8:30 a.m. The meeting concluded at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – APPEAL BY MAVERICK TOWERS FOR A C.U.P., CASE NO. PH2018-17

The Board met today at 2:15 p.m. to conduct a public hearing in the matter of an appeal by Maverick Towers of the P&Z Commission's denial of a Conditional Use Permit to install and operate an unmanned telecommunications co-location facility. The property is located at 22245 Can Ada Road, Star (Parcel R34007), also known as the portion of the SE quarter of Section 12, Township 4N, Range 2W, BM, Canyon County, Idaho. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Kyle McCormick, DSD Admin. Specialist Kathy Frost, Andy Cockell, Kay Cherry, Robert Scarbrough, Betty Scarbrough, Steve Givens, and Deputy Clerk Monica Reeves. Kyle McCormick gave the oral staff report. The applicant, Maverick Towers, is appealing the P&Z Commission's May 17, 2018 decision to deny their conditional use permit. The proposed facility includes a 110-foot tower pole with utility rack within a 60 x 60 (3600 square foot area). Chain link fencing is proposed to be installed on the area. The project will use existing access by means of a 30-foot utility easement. The subject parcel is four acres and is currently zoned agricultural; the future land use map designates a portion of the land as commercial. It has one residence and one accessory structure both dating back to 1977. It is located within the Middleton impact area and the city designates it as special area residential, a portion of which is located within the AE floodplain but the proposed cell tower is outside of that mapped floodplain. The P&Z Commission denied the application based on Findings of Fact No. 4, they concluded that the proposed use will be injurious to other property owners in the immediate vicinity and that it will change the essential character of the area. They found that the 110-foot monopole location and the design of the tower will create anxiety for the surrounding neighbors. Analysis provided by the applicant was found to be inefficient because it does not clearly demonstrate that the location and design of the tower is the least impactful option for the proposed use. The applicant's reason for the appeal is they believe that the P&Z Commission made its decision based on environmental factors of RF emissions and health concerns which is prohibited by the Telecommunications Act of 1996. The applicant believes there is not substantial evidence to suggest that the facility will be injurious or change the essential character of the area. The Telecommunication Act of 1996 does state that local government cannot deny a telecommunication facility based on health risks due to RF emissions. The federal government, or the FAA, has jurisdiction on RF emissions and so the tower, if it is approved, would still have to go through the FAA for approval that the RF emissions are low enough to meet their standard. Staff has recommend a condition of approval that prior to submittal of a building permit for the tower that FAA approval shall be submitted with that building permit application. In order to show that there's a need for this cell tower the applicant has hired an RF engineer to create these maps to show this is the current tower layout of that particular area in Canyon County. They also included a coverage map with adding the new tower location. The neighbors wrote letters of opposition; they are concerned with health risks due to emissions. They also believe it will impact the rural character of the area. It was suggested that a tree design would be less impactful but given the area there are a few taller trees in the area, but in the direct area there aren't any trees and with the addition of a design standard staff feels it would stick out more than just a tower. They also have concerns with

impacts to property value. The pole will be visible from the area, however, the setting has many utility poles and transmission lines along the public road and surrounding area. Canyon County does not have any design regulations specific to telecommunication facilities. The City of Middleton's comment did not find the use to be an impact; the City of Star commented on the appeal stating they agree with the P&Z Commission's denial and they propose moving it to the Star Fire Station, which is a half mile to the west. The applicant said it will cause a gap in coverage along Highway 44. Staff is recommending approval subject to the eight (8) conditions of approval. Andy Cockell testified on behalf of the applicant and said wireless technology is part of our everyday life; towers are safe and they cannot be denied for health reasons. He is willing to lower the height and using a camouflage or stealth design if that's desirable.

Opposition testimony:

Steve Givens believes the tower will eliminate the quality of life for those who live in the area and believes it should be located where it's needed, which is across the road where development is occurring. He cites health issues as another major concern for neighbors. Kay Cherry said the tower will be 300 feet from her front porch and she has concerns about noise from the tower being a nuisance. Robert Scarbrough has quite a few concerns and he is worried about health hazards associated with cell towers. He is also concerned about the devaluation of his property. Rebuttal was offered by Andy Cockell. He said the rural location is beautiful but it is changing and this technology is part of everyone's life and this is the infrastructure that makes technology work. He appreciates that it's not the ideal location for everyone but it has to go somewhere and so he is willing to make concessions on the design if that's something that wants to be discussed. Moving it to another area, it's a very finite amount of space you can go in any direction where it starts interfering with the existing towers. There are a lot of considerations when putting these towers in certain locations. The City of Star just approved 3,000 new homes to the north. Regarding noise, they are unmanned facilities and they don't make any noise that he's aware of other than a backup generator and the only time that generator kicks on is if there is an actual power outage and before that occurs there's a three day battery supply in the equipment. They are whisper quiet generators, the noise is very low decibel. As far as devaluing property that argument can both ways. As more and more people use this this technology they work from home, the tower could enhance the property values by providing the service everyone uses on a daily basis. With regard to the health concerns, the information from the federal government that regulates this industry says these towers are safe and that wireless technology is safe. It's a heavily regulated industry and the carriers have to abide by the RF emissions that come off the towers. There are more coming, you will see more and more macro sites as the capacity from the technology increases and you will see small cell technology come through and they are literally going to be on every street corner in every neighborhood. Commissioner White said she understands that health concerns cannot be used as a reason for denial so she'd rather discuss his offer of compromise and whether he would lower the tower. Mr. Cockell said the design of Maverick Towers is 110 feet and the reason for that is they can accommodate four carriers on one tower. He is willing to go down to 90 feet and it could be designed to look like a pine tree. Commissioner Rule asked if there a law or entitlement that says this tower has to go in. Mr. Cockell said the telecommunications act says you cannot discriminate against a provider. Technology use is increasing every day so the infrastructure

that makes it work is important. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Dale said he appreciates the hesitancy for health concerns on new technologies, and said there are a lot of fears with the unknown but the medical research and scientific research that's been done has shown there is no detrimental health impacts from cell towers and that's what we have to go under with the FCC regulation that says local government cannot deny a telecommunication facility based on health risks due to RF emissions. At some point there will be pressure to build houses on the west side of Can-Ada Road and the ground will become valuable, and a house could be built next door that could impact the visual and the aesthetics more than a pole. He understands both sides of the issue but he believes the P&Z Commission made a mistake in considering the health impacts and based on the lack of evidence on some of these other things it's speculation. Commissioner Rule said there hasn't been a lot of information from people in favor of the tower at this location, and then he asked about the P&Z Commission's denial points. Mr. McCormick said it was partly because of the anxiety and partly because it will change the essential character of the area. The Commission's vote was a four (4) to three (3) denial. Commissioner White said there needs to be discussion on some compromise as well as some discussion about the lack of availability and why it can't be placed across the road. Commissioner Dale said we could continue the hearing to allow further discovery in regards to possible compromises. Mr. Wesley said if that's the Board's direction there are a couple options we could proceed with as formal as ordering a mediation or as informal as continuing this to a later date and asking the parties to get together and come back and open the record again and taking that testimony. It's before the Board in its quasi-judicial capacity, not only to look at the P&Z Commission decision but the Board is capable of making a decision independent of the P&Z Commission and creating its own conditions as well as getting more evidence. Commissioner White likes the idea of mediation and having compromise and discussion. Director Nilsson said it could be the Board's direction for staff to schedule and host a meeting of the parties to see if there are any elements of compromise and report that back to the Board on the meeting and then the Board could limit the record to that. Commissioner Rule made a motion to deny the appeal in Case No PH2018-17. The motion died for lack of a second. Commissioner White made a motion to continue the hearing to allow time for discussion with the applicant and the other parties on where they might compromise and explore options to find common ground. It will put some responsibility on the applicant to find some answers. She will leave it to Director Nilsson's discretion on whether staff attends, but she would like to have somebody there because it's representative for transparency and information for the Board. The motion was seconded by Commissioner Dale. Commissioner Rule asked if the County is exposed to liability by having a mediator present. Mr. Wesley said this is part of a hearing process, maybe a deviation from the normal, but it's still in the evidence gathering phase and the Board has the authority under the local land use and planning act to direct a meeting like this and order a more formal mediation if desired. He doesn't think there's any built-in liability independent of the normal land use hearing. Director Nilsson said she will not be a mediator, she will simply schedule and the meeting and then report the outcome. The motion carried by a two-to-one split vote with Commissioners White and Dale voting in favor and Commissioner Rule voting against the motion. The hearing was continued to August 15 at 1:30 p.m. The hearing concluded at 3:19 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 19, 2018

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

#### CONSIDER INDIGENT DECISIONS

The Board met today at 8:46 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Customer Service Specialist Robin Sneegas and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2018-1074, 2018-1066, 2018-1080, 2018-1065, 2018-1067, 2018-1236, 2018-1093, 2018-1095, 2018-1081, 2018-1061, 2018-1057, 2018-1060, 2018-1077, 2018-1078, 2018-1076, 2018-1063 and 2018-1179. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to issue initial denials with written decisions within 30 days. The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

#### LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. for a legal staff update and to consider action items. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Mike Porter left at 9:11 a.m., Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell left at 9:11 a.m., Court Training & Development Manager Raena Bull left at 9:05 a.m., Court Systems Analyst Nathan Dutton left at 9:05 a.m., Court Operations Manager Kandice Taylor left at 9:05 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing solicitation of bids for Canyon County Courts outsourced scanning project:*** The company that was being used for scanning has gone out of business so there is a need to find a new company. Five companies have been identified as being able to do this work, however, one is very small so there are four that will be solicited for this project. Some basic criteria about what the county is looking for has been collected and then we'll go with the lowest bid. This will be for the closed files to be scanned so they can be digitized and then eventually destroyed. Commissioner Rule made a motion to sign the solicitation of bids for Canyon County Courts outsourced scanning project. The motion was seconded by Commissioner White and carried unanimously.

***Consider signing mutual assistance agreement regarding limited sharing of databases between Canyon County Sheriff's Office and Caldwell, Middleton, Parma and Wilder Police Departments:*** In 2002 CCSO took the lead on maintaining the Spillman Database and servers. This is a formalization of what needs to be done regarding accessing the records for a specific purpose and who has access to the information. It is beneficial to be able to share



this information as they know cases overlap between agencies. There are no financial obligations it's just a formalization of the confidentiality agreement. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the mutual assistance agreement regarding limited sharing of databases between Canyon County Sheriff's Office and Caldwell, Middleton, Parma and Wilder Police Departments (see agreement no. 18-089).

***Consider signing notice of public auction for real property located on Highway 20-26 near Prescott Lane, north of Nampa:*** The County has been working with realtor Greg Bullock to determine a date and time for auction which has been set for August 14<sup>th</sup> at 1:00 p.m. in the Commissioners' meeting room. Notice of public auction is required and will publish in the Idaho Press at least 10 days prior to the auction. The notice outlines the parcel numbers, legal description of the property and states that the property will be sold 'as-is' without warranties. The successful bidder will be required to sign a purchase and sale agreement and also enter a 5% non-refundable earnest money deposit. The minimum bid for both properties will be set at \$1.6M. The parcels will be auctioned individually first and then as one lot and the county will be able to accept the more favorable bid. Commissioner Rule made a motion to sign the notice of public auction for real property located on Highway 20-26 near Prescott Lane, north of Nampa. The motion was seconded by Commissioner White and carried unanimously.

EXECUTIVE SESSION – RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE, COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*A request was made to go into Executive Session to discuss records that are exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 9:16 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 Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:28 a.m. with no decision being called for in open session.

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

CONSIDER FINALIZING FY2019 TENTATIVE BUDGET FOR PUBLICATION

The Board met today at 10:01 a.m. to consider finalizing the FY2019 tentative budget for publication. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, Sheriff's Finance

Manager David Ivers, Director of Misdemeanor Probation Jeff Breach, Chief Probation Officer Elda Catalano, Leslie Van Beek, Nicole Foy from the Idaho Press-Tribune, and Deputy Clerk Monica Reeves. Clerk Yamamoto presented a handout for the Board and then he spoke about the expenses of criminal justice. The County pays to arrest, to prosecute, to provide public defense, and if the person is not English-speaking we pay for an interpreter, we pay the court clerks. We pay to feed those who are incarcerated, we pay their medical treatment, we pay to transport them to court and other jails and we pay to house them. The public defender's budget is \$4.7M; the criminal division of the Prosecutor's Office is \$6.2M; the court clerk's budget is \$4.6M; the budget to pay for other court personnel not paid by the state is \$2.1M; the Sheriff, patrol, jail and administration budget is \$21.5M; costs associated with the jail other than deputy salaries and benefits is \$1.5M; and the cost for interpreter services is \$120k, for a grand total of just over \$41M for the criminal justice system. Zach Wagoner said the budget has increased from last year. The population is growing rapidly and the demand for services is increasing just as rapidly. Services are provided by employees who are vital to our mission and are very important part of providing quality services and we need to hire and retain qualified, capable individuals. There is a cost savings if we can retain talented people. The increase in the budget is the result of continued implementation of the compensation plan that's roughly \$2.3M of the increase; also new positions that have been included have been targeted for specific areas where the demand for services has increased and that cost is roughly \$900,000. There is \$2.3M to address the critical and urgent need of jail overcrowding. Those three factors combined represent the \$5M-\$6M increase in the budget. There are potentially items that could be excluded but it's likely you'd be kicking the can down the road and pick up those expenses in future fiscal years. It's important to maintain an appropriate replacement schedule for our capital items, such as vehicles. There have been a few changes since yesterday: They added \$300,000 in revenue for the Caldwell prosecution services contract. \$300k of expenditures added for 4 positions associated with that contract, 2 attorneys and 2 support staff. Additionally the Prosecutor has requested a change, they want to add a victim witness coordinator rather than a part-time scanner. HR has requested to change an HR specialist position to an HR generalist position and the cost is around \$2,500. Over the past 6 years we've provided \$50,000 a year to AAFV for a total of \$300,000 but there were questions about finances during their budget meeting and after clarification they are showing a budgetary surplus of \$150,000 for 2018 so the Clerk is suggesting we take away \$20,000 of funding for Advocates Against Family Violence (AAFV) and allocate \$20,000 to the Nampa Family Justice Center. Commissioner Rule does not support this action. Commissioner Dale said there was discussion on the possibility of that and he thinks it's appropriate to support both organizations. Commissioner White said this was something she brought up last year, in fact, she wanted to give the Nampa Family Justice Center \$25,000. She supports their request for \$20,000 this year. Commissioner Rule questions why funding has to be taken from AAFV especially considering the money that organization has saved the County on mental hold costs. Commissioner White said it's not a punishment for AAFV, instead, she believes this is good stewardship and we should support both organizations. She then questioned if AAFV submitted detailed financial information.

Controller Wagoner said they received financial information at their meeting but it was messy; one page showed \$800,000 of revenue and another showed \$1.3 million of revenue, a half million dollar difference and so they requested further explanation and that's when it showed revenues exceeding expenditures by roughly \$150,000. Commissioner Dale said we are not implying that AAFV is doing anything wrong, they provide a great service; we are saying we have limited resources and the Nampa Family Justice Center is a community resource and we'd like to split that money a little bit. We are still giving \$30,000 to AAFV, so it's stewardship with limited funds. Controller Wagoner said they have included \$32,000 to provide a person at the Veteran's hall to assist veterans. Commissioner Rule said we have not funded it to this level in the past. Controller Wagoner said we funded \$17,500 this fiscal year for the Veteran's service officer. In prior years the Veteran's hall was receiving between \$16,000 and \$17,000 from the historic preservation levy, but that \$17,000 has gone away and it won't be requested through the historical fund levy, so we are shifting that to the Veteran's Service Officer (VSO), coming out of the historical society levy into the VSO for a total of \$32,000 for FY2019. Commissioner Dale noted that it's part of the County's responsibility and most counties have a VSO position. Commissioner White said the County extension office has a fulltime employee in the summer who works with the fair and kids and she is requesting that position be funded for part-time in the winter or the off-season so that person could go into the schools and do 4-H outreach. Commissioner Dale thinks that's a valuable idea and he'd like to see the extension office develop an idea and show us what they can do with that. It probably won't happen this year, but perhaps we could consider it next year with a more solidified program outline. Controller Wagoner said the County has a unique relationship between the County and the extension office and we provide cash payments that they funnel through to the University of Idaho for educators and maybe we can partner with them in shared costs. We can explore with Jerry Neufeld going forward. Commissioner White said it's hugely important to her that we look into this. Controller Wagoner said we are not budgeting any additional monies for the health insurance program. We are told to use a rule of thumb of a 15% increase every year and with a \$10 million plan at 15% would be \$1.5 million but because we've had a good experience we are not recommending any increase to that fund for 2019. Clerk Yamamoto said there was \$6 million sidelined for capital expansion and \$3 million of that was taken and utilized in the 2018 budget so how does that fit in when we're looking at a \$5 million increase. Controller Wagoner said we took \$3 million of cash on hand to fund the FY2018 operations instead of asking for new cash through property tax last year we used existing cash to fund operations. We cannot continue that program forever. Part of the budget process is replacing that \$3 million that we're using during 2018 and it's coming from increased revenues and it's a result of the increase in the budget for 2019. Commissioner Dale said he knows the Clerk and Controller have whittled down requests from what they initially were and he appreciates the work to conserve dollars on the worker's comp and how they were able to cut several hundred thousand dollars out of what was needed. Commissioner White said the population is increasing and services demand it so we have to pay attention to that and we have to take care of the services that are required. She spoke about the foresight to implement a

compensation plan and the decision to follow through with it and keep it shored up and defensible. Regarding jail overcrowding, the longer we wait the more serious and more dangerous and more expensive it becomes so we have to make a decision. She believes the budget is balanced and it came with a lot of discussion and back and forth conversation. Commissioner Rule said it's a bad budget and he's already stated his position on it. Clerk Yamamoto said it's important to note that the money budgeted for the trailer jail is not a done deal. It's included in the Clerk's suggested budget and it's up to the Board on whether that remains in the budget. There are several hoops to jump through and we have a major timing issue. The compensation plan has improved retention, and one of the one of the benefits we've seen is being able to hire some people from other counties so that helps greatly when we have some experience come in. Last year we had a freeze on new positions and that was adhered to with the exception of one. What kind of spurred that was the public defender department originally asked for 18 new positions and we whittled it down to 12 and at that point he decided the easier course of action was to have zero new positions for the fiscal year. The current public defender, Aaron Bazzoli, has come back with one additional attorney and an upgrade of two legal staff positions which the Clerk finds to be very reasonable. Mr. Bazzoli has done some things within the system that has made the relationship better with the Prosecutor's Office and offered things to the court clerks that have improved the process. Commissioner Dale appreciates the emphasis we had last year on stabilizing the health insurance fund; it was in serious jeopardy last year and was moving rapidly towards bankruptcy and that is not something we can allow to happen. He's extremely grateful the fund has stabilized to the point that we don't need to add to it this year. Our employees are our number one asset and they are the point of the spear for everything we do in this County. We are service-oriented organization and we need to keep the people who treat people with respect. He's pleased to see that retention is up and that the plan is showing successful results. He's also happy to see the Caldwell prosecution contract coming into the Prosecutor's Office as it will provide a more consistent level of service. He said with vehicles it's always a question of how many you purchase. We have a good fleet director and they have set up a strategic replacement plan that maximizes the vehicles we have; he anticipates our needs into the future and replaces those vehicles on a timely basis so that we don't have cars that are way behind their service life. We could remove two or three vehicles from this year but according to the service plan you'd have to add those the next year but then next year might be even more so you're not really saving money you are pushing off a debt to another year so he believes we are on a good schedule and we need to stick with it. He appreciates the work that's been done by the Sheriff's Office, Prosecutor's Office and the Clerk on the ADS temporary housing for our jail. He doesn't want to do this. We need to build a new jail at some point and the longer we put that off the more expensive it gets, the more risk is incurred. We have 476 inmates in our jail according to a count this morning and according to jail standards you're at capacity when you're 80% full and we are one person short of 100% full today and that doesn't count the 33 people who are housed in other counties. 100 of those inmates today are females; 108 are in the tent which is going to reach the end of its life expectancy in another few years and then what are

we going to do? We have an immediate need for more housing and he is hopeful this process with ADS will play out. As the Clerk mentioned it's not a done deal, we have a lot of hoops to go through and a lot of preparation to take care of. He doesn't like it but we have to do it to maintain the public safety. We are out of options. Leslie Van Beek asked if there's been an increase of over \$600,000 overnight. Controller Wagoner said the Caldwell contract will be a \$300,000 increase for staff and a \$300,000 increase in revenue for basically a net zero. Ms. Van Beek asked if there are any changes from the numbers given yesterday. Controller Wagoner said yes, and it will be presented to the Board on Monday morning. The levy rate is projected to go down for 2019. Ms. Van Beek asked what it will do to the increased assessed value and how will taxpayers be affected. That question cannot be answered yet as the Clerk does not yet have the final numbers from the Assessor from the board of equalization. The Board will review the appropriate paperwork for the Board's consideration on Monday at 8:30 a.m. The meeting concluded at 10:44 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING BALLOT TO RE-APPOINT BRYAN ELLIOTT, GEM COUNTY COMMISSIONER, TO THE SOUTHWEST DISTRICT BOARD OF HEALTH, AND CONSIDER SIGNING BALLOT CONFIRMING THE APPOINTMENT OF DR. SAM SUMMERS FOR PHYSICIAN REPRESENTATIVE TO THE SOUTHWEST DISTRICT BOARD OF HEALTH

The Board met today at 10:44 a.m. to consider signing ballots to reappoint Bryan Elliott, Gem County Commissioner, to the Southwest District Board of Health, and consider signing ballot confirming the appointment of Dr. Sam Summers for the Physician Representative to the Southwest District Board of Health. Present were: Commissioners Tom Dale, Pam White and Steve White, Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to sign the ballot confirming the appointment of Dr. Sam Summers and Bryan Elliott to the Southwest District Board of Health. The meeting concluded at 10:46 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:31 p.m. for a meeting with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Tom Dale and Pam White, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. Director Schwend updated the Board on the following items: The well drillers have hit water at 47 feet although they will have to drill to 60-75 feet for DEQ compliance. Laura Barbour and Ms. Schwend have taken over teaching the Desert Studies Institute Desert Ecology class. They are getting ready to initiate public comment for the fishing dock rehabilitation at Lake Lowell. A review of summer staff activates and training including a float trip from Swan Falls dam, Cleo's Ferry

Museum and Nature Trail, CPR & AED training, BLM 25<sup>th</sup> anniversary celebration at Dedication Point, Owyhee County Historical Museum in Murphy and a trip to Silver City. Staff has been working to clean-up downed trees and maintaining the facilities. At Martin Landing they have been successful in receiving funds from the campers now that the camping fee has been implemented and they've been able to utilize some of those funds by putting them back into the facility. New bales for the atlatl range need to be purchased, the current ones have been used for approximately 15 years and are worn out. Next Thursday is the gun range advisory board meeting where Steve Vreeland from the NRA will be speaking. The RC&D meetings are going well and they are continuing to gain new members. The meeting concluded at 1:55 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH PARKS DIRECTOR TO DISCUSS HISTORIC PRESERVATION COMMISSION FY2019 GRANT RECOMMENDATIONS AND CONSIDER APPROVAL/DENIAL OF GRANT RECOMMENDATIONS

The Board met today at 2:02 p.m. for a meeting with the Parks Director to discuss Historic Preservation Commission FY2019 grant recommendations and consider approval/denial of grant recommendations. Present were: Commissioners Tom Dale and Pam White, Clerk Chris Yamamoto, Controller Zach Wagoner, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. A spreadsheet was provided to the Board indicating the preliminary grant recommendations (a copy of this spreadsheet is on file with this day's minute entry). Caldwell Veterans Council withdrew their application as the request didn't fit historic preservation this year. Funding was recommended for the remaining applicants with the exception of the History of Idaho Broadcasting Foundation which had a number of issues surrounding it including clarification as to who owns the building, use of the KFXD call letters (they are still being used by an a.m. sports radio station) and the request of the sign be powered for 10 years. It was originally recommend for 50% funding but at this time they'd prefer to send a letter asking for clarification on the issues and to consider reapplying next year. Commissioner White asked for clarification on the request from CWI. Director Schwend said their request is really unique in that essentially what they want to do is hire a preservation planner to get some of the areas surveyed that the county's preservation plan is saying need to be surveyed, highlight buildings that could be on the national register, areas that could bring tourists in, highlight the next items in the county that need work for historic preservation. They would like to take a majority of the funds and get this preservation survey accomplished in several of the small town areas, that information would then come back to the county so it can be available to the small historical societies and small towns to highlight what the needs are in their area for preservation and what they have that's eligible for preservation. Commissioner White asked why CWI would be doing this. Director Schwend said it's the history department that's behind it and that its two part – first they would contract with someone to do the survey and the second part would involve the students who, as history majors, are hopefully going on to be historic preservationists. They would incorporate this survey into their 102 and 104 classes getting so the students are actually the ones who do the outreach, help with the survey and even incorporate it into a publication at the end. Essentially it gets the survey done but our preservation plan is highlighting what's needing to be done and gets the students involved and gives them real world experience and

possibly a publication that can highlight the historic preservation. Zach Wesley said in reviewing their plan, primarily they would use the contractor to gather most of the information and then the students would be involved in photography of the sites, putting the book together and the public outreach. Commissioner White asked how it would benefit the citizens of Canyon County. Director Schwend explained a lot of the small towns and communities have historical societies or historical organizations or museums that operate on mostly volunteers but sometimes have limited time to give or educational perspective. Part of what they're seeing is that people are fixing up the buildings that they care about and several organizations have approached them saying they don't know what to do next. Implementing the preservation plan that was done highlighted for the Historic Preservation Commission things that we need to work on to help guide them. One of the number one things that it said was surveying these areas to highlight for those communities all the things that they have that they can be preserving, that they can be getting on the national register and that they could be applying for funds. These types of things will help guide these small towns for what the next step is and get the Historic Preservation Commission involved with them and helping them to do that thru these funds. Ms. Schwend said this survey is on a smaller scale that what has been proposed by DSD Director Nilsson, it's geared towards just the small towns and their buildings. Zach Wagoner said he has concerns in that CWI is a Canyon County taxing district which means they have the authority to levy property taxes and he is concerned about the county levying tax that would go to benefit them. Zach Wesley clarified that it is actually the CWI Foundation applying for the grant which is the non-profit associated with the college. Commissioner Dale said he doesn't know that he wants to be in a place where he's telling people/organizations what they need to preserve. There was a discussion regarding the monies and budgeting in that if this \$20,000 is not granted it would impact the overall budget and could offset the money budgeted for the Veterans Service Officer that funding was allocated to. Commissioner Dale is in favor of all the projects discussed with the exception of the request by CWI, he would like to see something more specific. Commissioner White is not against the project but feels there are other things the students could work on without this funding this year for this particular survey project. Clerk Yamamoto suggested the Board may feel more comfortable if there had been a presentation on this project and how the funds would be utilized. Commissioner Dale made a motion to approve the grant recommendations as outlined by the Historic Preservation Commission with the exception that the \$20,000 for CWI be excluded for total funding of \$68,783.00. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 2:25 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2018 TERM

CALDWELL, IDAHO JULY 20, 2018

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

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

The Board approved a salary rate request and/or key & security access request form for Micaela Riley, Tina Wetzel, Nancy Horton, Linda Ellis, Kelsey Easterday and Linda Vanacore.

## LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 9:05 a.m. for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Pam White, Deputy P.A. Mike Porter, Controller Zach Wagoner, Fair Director Diana Sinner, Elections Technician Kylie Marks and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing 2018 Canyon County Fair entertainment agreement with musical artist Smithfield:*** This is an opening act for the mainstage Saturday night. The contract has been reviewed by Zach Wesley and there is no legal reason not to sign. Upon the motion of Commissioner White and second by Commissioner Dale the Board voted unanimously to sign the 2018 Canyon County Fair entertainment agreement with musical artist Smithfield (see agreement no. 18-090).

***Consider signing a resolution designating polling locations for the August 28, 2018 Election:*** In order to comply with statute a resolution with an exhibit indicating the polling locations has been prepared for the Board's consideration. Commissioner White made a motion to sign the resolution designating polling locations for the August 28, 2018 election. The motion was seconded by Commissioner Dale and carried unanimously (see resolution no. 18-131).

The meeting concluded at 9:11 a.m. An audio recording is on file in the Commissioners' Office.

## LEGAL STAFF UPDATE CONTINUED

The Board met today at 9:13 a.m. for a continuation of the legal staff update. Present were: Commissioners Tom Dale and Pam White, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. Commissioner Dale asked about the sole source procurement regarding the ADS jail pods – he wanted to know if it is something that should be put out for solicitation. Mike Porter said Idaho Code §67-2808 allows for sole source procurement in two situations: when there is an emergency in which the Board is required to act immediately and under subsection B where there is only one provider and that is what the notice relied upon. It is appropriate in this circumstance where there are not multiple vendors. In this case there are vendors that offer something similar but they are not the same and what we need this particular vendor exclusively provides. In this situation additional solicitation wouldn't be effective because there isn't anyone else who can do the specific job that the county is requiring. The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.



## 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.

## JULY 2018 TERM

CALDWELL, IDAHO JULY 23, 2018

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

## APPROVED CLAIMS ORDER NO. 7/25/18

The Board of Commissioners approved payment of County claims in the amount of \$29,235.21, \$125,028.07, \$52,898.95, \$70,688.62 and \$33,222.03 for accounts payable.

## CONSIDER SIGNING FY2019 TENTATIVE BUDGET FOR PUBLICATION

The Board met today at 8:37 a.m. to consider signing the FY2019 tentative budget for publication. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, IT Director Greg Rast, Assistant Director of IT Eric Jensen, PIO Joe Decker, Nicole Foy from the Idaho Press, and Deputy Clerk Monica Reeves. Zach Wagoner reviewed the minor changes, and he presented two documents, the first shows the budget by office or department and the other shows at a higher level the budget by funds. The office and department document includes multiple columns; for FY2016 actual expenditures, FY2017 actual expenditures, the budget for FY2018 and the tentative budget for FY2019. It's developed in accordance with Idaho State Code. The total Canyon County operating budget is \$95,240,703. The pest control district tentative expenditure budget is \$310,066, and the Melba Gopher District tentative expenditure budget is \$12,000. He said it's important to remember good accounting practice and when we develop a budget we include all expenditures; there's no netting of expenditures if you will. A large portion of our expenditures are offset by fees, charges, grants or other type of revenues. We still fully account for every expenditure. There is \$1.4 million included in this budget for a Spillman upgrade, nearly \$1 million of that is covered by E911 fees, but we still show the full expenditure as part of our total expenditure budget even though it is offset by fees associated with phone lines. Also included is the landfill operations – there's no property tax dollars allocated to landfill, it's supported entirely by user fees. That \$4.4 million is included in the grand total County operating budget. Last week we talked about the inclusion of the Caldwell contract for prosecution services and that has been included. The budget hearing is scheduled for Wednesday, August 8, 2018 at 5:00 p.m. and

that notification is included in the publication. Commissioner White made a motion to sign the 2019 tentative budget for publication. The motion was seconded by Commissioner Dale. Commissioner Rule said the taxpayers who voted him in to office wouldn't want him to vote to support this budget. A roll call vote was taken on the motion with Commissioner Rule voting against the motion and Commissioners White and Dale voting in favor of the motion. The motion carried by a two-to-one split vote. The meeting concluded at 8:44 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER SIGNING CONTRACT WITH STERICYCLE SOLUTIONS, INC. FOR PERIODIC HAZARDOUS WASTE DISPOSAL SOLE SOURCE PROCUREMENT AND POSSIBLE PURCHASE ORDER EXECUTION

The Board met today at 10:32 a.m. for a public hearing to consider signing a contract with Stericycle Solutions, Inc. for periodic hazardous waste disposal sole source procurement and possible purchase order execution. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Brad Goodsell, Landfill Director David Loper, Representative from Stericycle Solutions Inc. and Deputy Clerk Jenen Ross. Director Loper explained this is the contract for next fiscal year. They would like to do quarterly household hazardous waste events vs. just one yearly event and be able spread them throughout the county. This contract will enable them to promote to the small businesses the opportunity to dispose of their waste under a certain limit; businesses will have to pay for their disposal but since the landfill will already be set-up some of the other charges will be minimized. Businesses will be served by appointment only at which point they will be put in contact with Stericycle who will determine if the waste is something that can be accepted. Additionally, this contract will allow for periodic pick-up at the landfill by Stericycle. Brad Goodsell explained that notice of this sole source was published on July 6, 2018 but no one appeared today to offer comment. Commissioner Rule made a motion to enter the independent contractor agreement with Stericycle Solutions, Inc. The motion was seconded by Commissioner White and carried unanimously. The meeting conclude at 10:37 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY JAKE FULLMER FOR A COMPREHENSIVE PLAN MAP AMENDMENT, REZONE, RESOLUTION FOR COMPREHENSIVE PLAN MAP AMENDMENT, ORDINANCE, AND FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Board met today at 11:04 a.m. to conduct a public hearing in the matter of a request by Jake Fullmer for a comprehensive plan map amendment, rezone, resolution for comprehensive plan map amendment, ordinance, and Findings of Fact, Conclusions of Law and Order. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Planner Jennifer Almeida, DSD Director Tricia Nilsson, Sherrie Fullmer, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property is 12.23 acres and is currently zoned agricultural. Future land use designates it as agricultural, however, it is adjacent to existing residential designations. It is also adjacent to an existing platted subdivision, True Love Subdivision, and the average lot size within the development is 4.82

acres. The properties to the east vary in size. The proposed rezone to rural residential would be similar to the residential nature of the properties in the immediate vicinity north of Lake Shore Drive and would not create an incompatible land use. The property is located within a nitrate priority area and any subsequent development of the property would be required to adhere to SWDH regulations for new septic systems. The Nampa Highway District has stated that Lake Shore Drive is classified as a rural principle arterial and no new direct access is allowed onto an arterial roadway. An application to vary standards would be required to be approved. The P&Z Commission recommended approval of both the comprehensive plan map amendment and rezone on June 7, 2018. Staff is also recommending approval. The applicant's intent is to create four residential lots for her sons to build on. Upon the motion of Commissioner White and the second by Commissioner Rule, the Board voted unanimously to close the public hearing. Commissioner Rule made a motion to approve the comprehensive plan map amendment for Jake Fullmer and to adopt the Findings of Fact, Conclusions of Law and Order as written for Case No. OR2018-0001. The motion was seconded by Commissioner White and carried unanimously. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to approve the resolution for a comprehensive plan map amendment for Jake Fullmer, Case No. OR2018-0001. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to approve the rezone for Jake Fullmer for Case No. RZ2018-0001 and to adopt the Findings of Fact, Conclusions of Law and Order as written. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to approve the ordinance directing the change to the official zoning map for Case No. RZ2018-0001. (See Ordinance No. 18-018.) The hearing concluded at 11:11 a.m. An audio recording is on file in the Commissioners' Office.

#### RESCHEDULE THE APPROVAL/DENIAL OF A REZONE REQUEST BY DANA MARTENES; CASE NO. PH2018-25

The Board met today at 1:32 p.m. to reschedule a public hearing to consider the approval/denial of a rezone request by Dana Martenes; Case no. PH2018-25. Present were: Commissioners Tom Dale, Pam White and Steve Rule and Deputy Clerk Jenen Ross. Commissioner White made a motion to reschedule the public hearing to July 31, 2018 at 1:30 p.m. The motion was seconded by Commissioner Rule and carried unanimously. The meeting concluded at 1:33 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH RACHEL BURKETTE, REGIONAL DIRECTOR FOR SENATOR JAMES RISCH

The Board met today at 2:02 p.m. for a meeting with Rachel Burkette, Regional Director for Senator James Risch. Present were: Commissioners Tom Dale, Pam White and Steve Rule, PIO Joe Decker, Rachel Burkett and Mike Roach with Senator Risch's office and Deputy Clerk Jenen Ross. Mr. Roach is the State Natural Resource Director so he covers the whole state and deals with the BLM, the Fish and Wildlife Service and the Forest Service. Ms. Burkette has spent the last 10 years as the scheduler in Washington D.C. for Senator Risch's office and is now working here in Idaho handling anything non-natural resource related. She confirmed

she is happy to be the point of contact for constituent services and she can help get people in touch with the agencies that can assist them. Commissioner Dale addressed the issue of Lake Lowell and the continuing struggle to keep it open to the public. He feels there is a window of opportunity with the Trump Administration to find some kind of permanent solution to the issue. Commissioner Rule said he would like to see it turned back over to Canyon County; the Board would be happy to take it back and Fish and Game has already said they would aid in that effort. Lake Lowell is not really sustained by the Federal Government besides just one building. Mr. Roach said he would be willing to help in trying to get some kind of action on this issue. Ms. Burkette said Senator Risch's office just wants to be available to work with any offices on anything they may need. Commissioner Dale asked if there are any conversations happening in Congress regarding financial aid for the crisis facing counties regarding inmate populations. Ms. Burkette said that before she left Washington she had heard about meetings happening regarding prison reform and she will follow up on the question. A conversation was had about rail-spurs and the difficulty surrounding that issue. The meeting concluded at 2:21 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2018 TERM

CALDWELL, IDAHO JULY 24, 2018

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

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

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

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 7/29/18 for a barn dance.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 8/3/18 for a wedding.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 8/10/18 for a wedding.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 8/16/18 for a wedding.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 8/17/18 for a wedding.

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 8/31/18 for a wedding.

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Dell in the amount of \$20,322.30 for the Information Technology department
- Dell in the amount of \$20,135.72 for the Information Technology department
- Carousel Industries in the amount of \$9200.00 for the Information Technology department
- Dell in the amount of \$19,731.84 for the Information Technology department
- Hanson Janitorial in the amount of \$2899.40 for the Sheriff's Office

#### CONDUCT TAX DEED HEARING AND CONSIDER SIGNING WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board met today at 10:03 a.m. to conduct tax deed hearing and consider signing written findings of fact and conclusions of law. Present were: Commissioners Pam White and Steve Rule, Deputy P.A. Brad Goodsell, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Russell Fricke, June Taylor, Parma Mayor Nathan Leigh, and Deputy Clerk Monica Reeves. Treasurer Lloyd asked for direction on how to proceed with the tax deed for Parcel No. 04450503 0 located at 502 Joliet Street in Caldwell. The owners were in her office this morning and said they were on their way to get money so they can pay their 2014 and 2015 taxes today. Brad Goodsell said the Board can conditionally take tax deed on the property and then authorize the Treasurer not to file the tax deed if they pay today. Russell Fricke

was present today in regards to property located at 27642 Old Fort Boise Road (Parcel No. 23799010 0.) He explained how he purchased the property through a real estate agent and after paying \$162,000 he received notification that it was going to foreclosure so he came back to the courthouse six months later in 2014 and bought it again at auction. He said a family friend, John Witty, wrote the check for the property and Mr. Fricke has been paying him for it and so when he filled out the paperwork staff told him he could not get a homeowner's exemption because it was a rental property with another person's name as the lienholder. According to Mr. Fricke he bought the property and he was living in the home. The Assessor's Office told him there is nothing they can do unless Mr. Witty signs a quitclaim deed and releases his name. According to Mr. Fricke the notification paperwork was being sent to the previous owner in Nebraska. Treasurer Lloyd said her records indicate the pending issue letter was signed by Angela Fricke. She said Mr. Fricke should have been in contact with the Treasurer's Office because there are four years taxes that are due and there's been no contact. Mr. Fricke spoke again about how he's been trying to get a homeowner's exemption but to no avail. Commissioner Rule said today's issue is about losing your house for not paying any taxes for four years. Treasurer Lloyd said Mr. Fricke owes \$3,104.20 in outstanding taxes. Following discussion, Mr. Fricke said he can pay the amount today. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to authorize the Treasurer to withhold the tax deed on Account Nos. 04450503 0 and 23799010 0 provided they are paid by 3:00 p.m. today. June Taylor stated she received a letter pertaining to the property she rents; she does not own the property referenced in the letter. Treasurer Lloyd reviewed the letter and noted that the tax bill has been paid for the property in question. Mayor Leigh said there are several properties in Parma that are on the docket today and was interested in the process and whether the city could have some influence with someone about what it is they may want to do with that property. Treasurer Lloyd noted that the owners have until the time of the tax deed auction to redeem the properties. The tax sale is scheduled for November 7, 2018 at 10:00 a.m. Mayor Leigh will speak with Mr. Goodsell about the properties he is interested in and see what options are available. Upon the motion by Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the Findings of Fact and Conclusions on the tax deeds provided in Exhibit A, B, and C. (The document was recorded as Instrument No. 2018-032379.) The meeting concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

*Note for the record: As properly noticed the Board met today at 10:38 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. The Executive Session was held as follows:*

Commissioner Rule made a motion to go into Executive Session at 10:39 a.m. pursuant to Idaho Code, Section 74-206(1) (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were:

Commissioners Pam White and Steve Rule, Chief Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:55 a.m. with no decision being called for in open session.

MONTHLY MEETING WITH PUBLIC DEFENDER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND CONSIDER SIGNING CONTRACT FOR PUBLIC DEFENSE-RELATED IMMIGRATION LAW SERVICES WITH MARIA ANDRADE

EXECUTIVE SESSION – 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 1:13 p.m. for a monthly meeting with the Public Defender. A request was made to go into Executive Session to 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 Rule made a motion to go into Executive Session at 1:14 p.m. pursuant to Idaho Code, Section 74-206(1) (f) and (i). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Mike Porter, Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. The Executive Session concluded at 1:33 p.m. with no decision being called for in open session.

Once out of executive session Mr. Bazzoli updated the Board on the following items: a review of budget numbers; a check has been received from the Capital Crimes Defense Fund; he does not anticipate being over budget this year. Active cases are within Public Defense guidelines. All of the conflict contracts have been sent out and are starting to be received back. Andy Woolf will be leaving towards the end of August as he has been promoted to a Magistrate Judge in Clearwater County. They are working to fill an open Legal Support Specialist position with interviews being conducted this week. Recently one attorney's vehicle was broken into where a laptop was stolen. Mr. Bazzoli asked for Board direction as to if a new computer should be purchased from this year's budget or wait to see if the homeowners insurance will cover it. The Board said they'd prefer to see what happens with the homeowners claim first. The meeting concluded at 1:48 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING WITH BRIANNE MCCOY WITH THE IDAHO STATE PUBLIC DEFENSE COMMISSION

The Board met today at 1:48 p.m. with Brianne McCoy with the Idaho State Public Defense Commission. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Public Defender Aaron Bazzoli, Brianne McCoy and Deputy Clerk Jenen Ross. Ms. McCoy spoke about applying for ELF funds (Extraordinary Litigation Fund) for the 12 person trial and possibly some of the physiological/sexual evaluations. Ms. McCoy gave a review of the standards that counties must be in compliance with right now: attorneys at first appearances, which the county is doing; vertical representation which is not yet happening but being worked towards; continuing legal education - staff attorneys are fine and it is the responsibility of conflict attorneys to be completed; private meeting space which the county does provide. Rules that were just passed that the county will need to be in compliance with by March 31, 2019 are the use of investigators; capital roster change which is attorneys that are qualified to handle capital cases, the Supreme Court used to handle that roster but they felt it was a conflict so they asked the PDC to handle it; oversight and enforcement which give the PDC authorization to enforce rules. Regulations that are in front of the legislature for this upcoming session include the following: attorneys have to file annual reports to the PDC, which Mr. Bazzoli already does for the in-house office and Ms. McCoy believes if that is included in the contract attorneys it shouldn't be an issue; having contracts with conflict attorneys; workplace study and standard which is 523 misdemeanor cases per attorney, the national standard is 400, but Ms. McCoy believes the number will change as she feels 523 cases is too many. Ms. McCoy let the Board know that she is happy to answer any questions in regards to public defense the Board may have. Commissioner White said she really appreciates the communication and looks forward to that continuing. The meeting concluded at 2:06 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2018 TERM

CALDWELL, IDAHO JULY 25, 2018

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

#### LEGAL STAFF UPDATE AND CONSIDER SIGNING A RESOLUTION CLASSIFYING RECORDS OF THE CANYON COUNTY CLERK AND AUTHORIZING THE IMAGING AND/OR DESTRUCTION OF CERTAIN FILES/RECORDS

The Board met today at 9:02 a.m. for a legal staff update and to consider signing a resolution classifying records of the Canyon County Clerk and authorizing the imaging and/or destruction of certain files/records. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Mike Porter, Election Supervisor Lisa Power, Elections Specialist Haley Hicks and Deputy Clerk Jenen Ross. All the documents being requested for destruction comply with the rules. There are about 70 boxes to be cleared out and any documents that



needed to be scanned has already been done and stored electronically. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the imaging and/or destruction of certain files/records (see resolution no. 18-133). There were no items for discussion at the legal staff update. The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2018 TERM

CALDWELL, IDAHO JULY 26, 2018

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

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- The Results Group, LTD in the amount of \$4775.00 for the Sheriff's Office

#### CONSIDER INDIGENT DECISIONS

The Board met today at 8:49 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Customer Service Specialist Robin Sneegas, Case Manager Angela Papa, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2018-1109, 2018-1126, 2018-1130, 2018-1118, 2018-1114, 2018-1115, 2018-1097, 2018-1121, 2018-1113, 2018-1112, 2018-1182, 2018-1110, 2018-1108, 2018-1117, 2018-1187, 2018-1226, 2018-1133, 2018-1116, 2018-1228 and 2018-1186. Commissioner White made a motion to issue initial denials on the cases as read into the record with written decisions to be issued within 30 days. The motion was seconded by Commissioner Rule and carried unanimously. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-950

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2018-950. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Hearing Manager Kellie George, Case Manager Angela Papa, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, Attorney Mark Peterson for St. Luke's, Michelle Davis for St. Luke's, Interpreter Mercedes

Lupercio, the applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to continue the case to September 20, 2018. The hearing concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-836

The Board met today at 9:19 a.m. to conduct a medical indigency hearing for case no. 2018-836. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Hearing Manager Kellie George, Case Manager Angela Papa, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, Attorney Mark Peterson for St. Luke's, Courtney Kriss for St. Luke's, the applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to continue the hearing to August 23, 2018. The hearing concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-716

The Board met today at 9:34 a.m. to conduct a medical indigency hearing for case no. 2018-716. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Hearing Manager Kellie George, Case Manager Angela Papa, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, Attorney Mark Peterson for St. Luke's, Courtney Kriss for St. Luke's, the applicant, the applicant's relatives and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to continue the case to August 23, 2018. The hearing concluded at 9:41 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NOS. 2018-932, 2018-1005 AND 2018-1014

The Board met today at 9:44 a.m. to conduct a medical indigency hearing for case nos. 2018-932, 2018-1005 and 2018-1014. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Hearing Manager Kellie George, Case Manager Angela Papa, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, Julie Wood with MedData for St. Alphonsus, the applicant, the applicant's business partner and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to issue a denial for case no. 2018-1005 with a written decision to be issued within 30 days. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to uphold the denial with a written decision to be issued within 30 days on case no. 2018-932. Commissioner White made a motion to continue case no. 2018-1014 to September 20, 2018. The motion was seconded by Commissioner Rule and carried.

unanimously. The hearing concluded at 9:55 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-650

The Board met today at 9:58 a.m. to conduct a medical indigency hearing for case no. 2018-650. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Hearing Manager Kellie George, Case Manager Angela Papa, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, Attorney Mark Peterson for St. Luke's, Michelle Davis for St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to continue the case to September 20, 2018. The hearing concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-659

The Board met today at 10:10 a.m. to conduct a medical indigency hearing for case no. 2018-659. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Case Manager Angela Papa, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, Attorney Mark Peterson for St. Luke's, Courtney Kriss for St. Luke's and Deputy Clerk Jenen Ross. Commissioner Rule made a motion issue a written denial within 30 days. The motion was seconded by Commissioner White and carried in a 2-to-1 split vote. Commissioner Dale voted against the motion. The hearing concluded at 10:30 a.m. An audio recording is on file in the Commissioners' Office.

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2018-818

The Board met today at 10:32 a.m. to conduct a medical indigency hearing for case no. 2018-818. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Case Manager Angela Papa, Hearing Manager Kellie George, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, Julie Wood with MedData for St. Alphonsus and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to continue the case to September 20, 2018. The hearing concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER INDIGENT MATTERS

The Board met today at 10:35 a.m. to consider indigent matters. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Hearing Manager Kellie George, Case Manager Angela Papa and Deputy Clerk Jenen Ross. Neither the applicant nor the hospital appeared for the following cases: 2018-789, 2018-746, 2018-748, 2018-726, 2018-768,

2018-772, 2018-780 and 2018-790. Commissioner White made a motion to issue written denials on the cases as read into the record. The motion was seconded by Commissioner Rule and carried unanimously. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to continue case no. 2018-795 to September 20, 2018. Commissioner Rule made a motion to issue a written final approval within 30 days for case nos. 2018-606 and 2018-208. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 10:37 a.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 10:47 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 legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 10:47 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). The motion was seconded by Commissioner Rule. A roll call vote was taken on the motion with Commissioners Rule, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 11:00 a.m. with no decision being called for in open session.

CONSIDER THE DEVELOPMENT AGREEMENT AND ORDINANCE AMENDMENT IN THE MATTER OF SAMUEL MCDOWELL'S REQUEST FOR A CONDITIONAL REZONE

The Board met today at 11:10 a.m. to consider the development agreement and ordinance amendment in the matter of Samuel McDowell's request for a conditional rezone. Present were: Commissioners Tom Dale and Pam White, DSD Planner Kyle McCormick, Samuel McDowell, Wallace and Nam Yon McDowell, and Deputy Clerk Monica Reeves. The hearing was held on July 2, 2018 with Commissioners Dale and White voting to approve the conditional rezone. The ordinance and development agreement were continued to today's date in order to allow the applicant time to obtain a legal description for the property. Kyle McCormick presented the Board with the documents that are ready for approval. Upon the motion of Commissioner White and the second by Commissioner Dale, the Board voted unanimously to approve the development agreement and the ordinance amendment regarding Case No. PH2018-18. (See Ordinance No. 18-019, and Agreement No. 18-092.) The meeting concluded at 11:12 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY J.A.P.S. OF IDAHO, LLC AND GLEN OLSEN FOR A PRELIMINARY PLAT, IRRIGATION AND DRAINAGE PLAN, AND FINAL PLAT FOR THE STADIUM SUBDIVISION, CASE NO. SD-PH2018-2

The Board met today at 1:34 p.m. for a public hearing in the matter of a request by J.A.P.S. of Idaho, LLC, and Glen Olsen for a preliminary plat, irrigation and drainage plan and final plat for the Stadium Subdivision, Case No., SDPH2018-2. Present were: Commissioners Pam White and Steve Rule, DSD Planner Deb Root, TJ Wellard, Rick Munson, Jay Gibbons, Alan Mills, Todd Sommer, Devon Knutson, and Deputy Clerk Monica Reeves. Debbie Root gave the oral staff report. This is an interim plat, in accordance with Development Agreement 17-001 whereby the plat will provide the means for the property owners to separate their interests as described in the agreement, separating Glen Olsen's properties from J.A.P.S. of Idaho, LLC properties for the purpose of their disbursement or mutual plans for doing different things. The preliminary plat, irrigation plan and drainage plan are in accordance with the state statutes and the Canyon County Zoning Ordinance. The County surveyor has signed the final plat, and staff is recommending approval of the request. There is a concern by a neighboring property owner regarding some runoff and drainage across his property on the south side of Goodson Road, but that's a highway district issue where the road was built up and there is a drainage culvert underneath the road where it collects the barrow pit drainage and some drainage off the J.A.P.S. of Idaho properties, therefore, at this time where there's no significant development of that property there's no mitigation required at this point until further development for residential purposes is proposed. Commissioner White asked about the water situation. Ms. Root said Lot 1 on the final plat has the potential to develop up to another 178 lots at some point. J.A.P.S. is vested in those rights through the development agreement and at that time they will have to provide how they are going to retain any new development, storm water, and drainage differences in the historic flows. TJ Wellard said they are merely complying with the development agreement to separate the interest between the two ownership parties. They have complied with all requirements and have amended the plat to comply with requests by the neighbors to not access the private road along the southeast boundary. Any future development will not use that private road. Jay Gibbons, who is one of the owners of J.A.P.S. of Idaho, concurred with what's been stated regarding their commitment to retain any storm water coming off their roads or properties when they do further development. There is water in the barrow ditch that doesn't come off their property but it should be addressed by the Notus Parma Highway District. He said they are working with the neighbors to the east and they have the right to access Serenity Lane but they're trying to get an agreement in place to quitclaim the property to the neighbors at no cost so they would have ownership of the road. They will not be impinging or causing difficulty in the neighborhood with a lot of traffic. Alan Mills stated he represents Glen Olsen who is not here, and he is available to answer questions that may arise. Todd Sommer had questions related to Serenity Lane as well as notification requirements for public hearings. He wants to know if Serenity Lane is going to be an access point to future development, and if not where will the access be located. He would like the County to provide advance notice of public hearings because he has to request time off from work three weeks in advance. Also, the public notice sign that's been on the property for quite some time does not indicate that it's a new hearing. Devon Knutson is opposed to Serenity Lane being a private road because it will cost him more money because they will be responsible for maintaining the

road as well as the easement on both sides of the road. He said the people who control the easement are responsible for controlling the weeds and they're not doing a very good job of it. He wants to know how long it's going to stay waste land. Jack Bish said Serenity Lane is a private road and when J.A.P.S. transfers it to the neighbors it will be considered by the Assessor as road waste so there won't be any taxes to pay. He said the road was built to Canyon County specifications in 1999 by Glen Olsen and currently the taxes are paid by the developer because they have the easement on the road, but it's been said there will not any taxes because it will be considered wasteland. He wants to know how long it will be wasteland. During rebuttal TJ Wellard said the property only fronts Goodson Road and any access is going to be required to come from that road. The majority of the neighbors who use Serenity Lane have asked that the subdivision not use the lane to access further development which is why the plat was changed to make it a lot so that it could be deeded to the adjacent neighbors. It is not built to current County standards so the highway district would not be inclined to take it over as a public road unless it was rebuilt to public standards. There is a road users' maintenance agreement for Serenity Lane although it's not the clearest, but it is required by everyone who's using it because it goes with the land to help maintain it. Mr. Wellard said if it's not being maintained it's because no one is paying into it to be maintained. With regard to wasteland, private and public roads are not taxable properties so if you front a road it is not taxed the same as a useable property. He's not sure if it's taxed at all or at a lesser amount. Commissioner Rule asked if there will be another access point to service the lots. Mr. Wellard said that's his understanding and he said Mr. Gibbons has worked with Notus Parma Highway District to address new access points. Ms. Root said staff has not seen a conceptual plan although there was a plan presented in the past that's no longer valid that does show two access points along Goodson Road, not Serenity Lane. Mr. Gibbons said they have done some conceptual plan work and he has worked with the Notus Parma Highway District to develop points of access for the property and so this is a boundary point between the Glen Olsen property and their property. There is a rise in the road and in working with the district they have asked for the access points to be 600 feet east of the Olsen/J.A.P.S. property point so there is adequate visual site distance for all oncoming traffic. That's for the east side. They have asked for an access point for the west side directly across from Margaret Lane. They have rights to have an access point on Serenity Lane but they want to give those rights back to the homeowners so they won't be bothered with a lot of traffic. Wagner Road is a little farther east and then it turns and goes south and winds over the freeway and over to Old Highway 30 and so that is one of the main access points to get to the property. You can get to the property from 2-3 different directions and so the issue with Wagner Road is it will have increased traffic at some point and so they will end up doing a traffic study to make sure there isn't anything that will have to be mitigated for the additional traffic. J.A.P.S. will do the traffic study and provide that as documentation when they bring in the conceptual plan. He said Canyon Highway District is not looking for more projects nor are they looking for more roads to build and so it's doubtful they would be taking over the road. Commissioner Rule said none of this information has to do with the preliminary plat so we're going down a path that should be taken care of at the next level. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to approve the preliminary plat and the irrigation and drainage plan. Upon the motion of Commissioner

Rule and the second by Commissioner White, the Board voted unanimously to authorize Vice-Chairman White to sign the final plat for SDPH2018-2. The meeting concluded at 2:12 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:17 p.m. to reschedule the public hearing in the matter of a request by Mike and Linda Dutton for a preliminary plat, irrigation and drainage plan, and final plat for Dutton Subdivision, Case No. SD PH2018-19. Present were: Commissioners Pam White and Steve Rule, DSD Planner Debbie Root, and Deputy Clerk Monica Reeves. Staff requested a continuance of this matter. Upon the motion of Commissioner Rule and the second by Commissioner White the Board voted unanimously to reschedule the hearing to August 9, 2018 at 2:00 p.m. The meeting concluded at 2:18 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2018 TERM  
CALDWELL, IDAHO JUNE 27, 2018

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Precision Hawk in the amount of \$9224.60 for the Sheriff's Office

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License for Silvia K. Lane dba Our Place Saloon. See resolution no. 18-134.

LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 9:02 a.m. for a legal staff update and to consider action items. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell left at 9:38 a.m., Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley

left at 9:38 a.m., Chief Deputy Sheriff Marv Dashiell left at 9:31 a.m., County Manager for the TCA Mary Hoffman left at 9:28 a.m., Todd Lakey left at 9:19 a.m., Representative from Cope Sand and Gravel left at 9:19 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing decision on applicants' request for mediation CU-PH2017-52 Cope Sand and Gravel:*** Commissioner Rule has recused himself due to an ex parte conversation that took place yesterday. Zach Wesley said on May 25, 2018 there was a request for mediation following the application process where the application was denied by the Board. A mediation request, as directed in Idaho Code, states that the Board would need to choose a mediator for the parties and then the county would be responsible for the cost of the first mediation. The mediation request would require the Board to direct the parties to mediate with mandatory participation in the first meeting, following that there is no authority by the Board to require participation by the parties. Subsequent to any mediation agreement this matter would have to come back before the Board for another hearing before any action could go forward. This matter came before the Board on an appeal from the Planning and Zoning Commission, Wild Rose Homeowners Association was the appellant, however, there were also a number of property owners and homeowners associations in the area that participated in the hearing although they weren't the appellants of record which Mr. Wesley said makes it a little unclear as to which parties would be required to participate. Mr. Lakey said when they first met with the neighbors they thought they'd made some good headway in what they would like to see but ultimately the residents didn't want the gravel operation out there for another 20 years and his clients don't want to close down their family business and they can't just give up on the property either. Mr. Lakey and his client feel that an independent 3<sup>rd</sup> party mediator could help bring both sides together in order to find some common ground. They see this as an opportunity to find a solution but if that doesn't happen they will move forward with the regular process. Commissioner Dale asked if this is something that could work without involvement from the county. Mr. Lakey said they've tried speaking with the homeowners in the past but were not successful. He reiterated that they only real involvement the county would have would be to require both parties participate in the mediation. And although state law states that the county is responsible for the cost of the first mediation his client is willing to bear that cost. Commissioner Dale said he is not comfortable in ordering people to participate in mediation and doesn't want to set a precedent. Commissioner White would like to see a new application submitted to the Planning and Zoning Commission if there is new information or compromise for making this work that wasn't proposed at the public hearing vs. mediation. Mr. Lakey said their plan is to submit a new application but they looked at this as a way to have a little more structure and a better chance to find common ground. Commissioner White said some conversations with DSD and guidance in that direction from this Board prior to this process with why we came to that conclusion would be very beneficial. Zach Wesley said he believes Director Nilsson and her staff are always available to assist, they are great resource. Mr. Lakey agrees the Development Services department has been very helpful and they will continue to work with them moving forward. Commissioner Dale agrees with Commissioner White and feels most comfortable with that process moving forward. He would be hesitant to order mediation from an authoritative standpoint as the Board of Commissioners. Mr. Wesley said the mediation request triggered an automatic stay in the judicial review tolling time period.



Commissioner White made a motion to deny the May 25, 2018 mediation request. The motion was seconded by Commissioner Dale and carried unanimously. A copy of this document is on file with this day's minute entry.

***Consider opting in as a class member to the class action case of Kane County v. United States, relating to amounts payable by the U.S. Government as payments in lieu of taxes for fiscal years 2015, 2016 and 2017:*** Brad Goodsell explained that each year the county receives payments from the Federal Government in lieu of taxes, generally the payments have been about \$50K a year. Kane County, UT sued the Federal Government alleging that the formula that was being used to calculate payments was being done incorrectly. That lawsuit became a class action lawsuit in which Kane County had a favorable ruling that a couple of years of payments were calculated incorrectly. Thru this lawsuit the courts have found that the Federal Government owes states a different amount than what they were paid but in order to receive those monies the county has to opt into the class action lawsuit. The formula is not clear at this point so the amount still owed is unknown but there are no expenses to the county, those would be paid from the award. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to opt in as a class member to the class action case of Kane County v. United States, relating to amounts payable by the U.S. Government as payments in lieu of taxes for fiscal years 2015, 2016 and 2017. A copy of this document is on file with this day's minute entry.

***Consider signing FY2018 agreement for provision of parenting plan assistance in Canyon County between Jeannette Rodriguez-Kirby and Canyon County:*** Mary Hoffman said in an effort to facilitate case resolution and to minimize long-term damage to children being stuck in the middle of conflict while cases are pending they offer a co-parent mediation workshop for parents who can't afford outside mediation. Ms. Rodriguez-Kirby is bi-lingual so she will be able to conduct the workshops for Spanish speaking parents. Costs for the workshops are lined out in the agreement along with Ms. Rodriguez-Kirby's fees. Mike Porter said the contract has been reviewed by legal and there is no legal reason not to sign. Commissioner Rule made a motion to sign the FY2018 agreement for provision of parenting plan assistance in Canyon County between Jeannette Rodriguez-Kirby and Canyon County (see agreement no. 18-093).

***Consider signing DataWorks Plus Maintenance and Support agreement for Canyon County Sheriff's Office:*** A notice regarding this agreement was before the Board a few weeks ago and a period for comment was given for anyone who might object. Chief Dashiell explained DataWorks Plus is for fingerprint machines of which there are 3 being used by the Sheriff's Office. This is a standard renewal agreement that's been in place for several years. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the DataWorks Plus Maintenance and Support agreement for the Canyon County Sheriff's Office (see agreement no. 18-094).

***Consider signing Canyon County agreement with Brown's Entertainment for the Canyon County Fair:*** This agreement is for the carnival/midway contractor; this is a renewal but the wrong document was received back originally. They are currently onsite running the midway. Commissioner White made a motion to sign the Canyon County agreement with

Brown's Entertainment for the Canyon County Fair. The motion was seconded by Commissioner Rule and carried unanimously (see agreement no. 18-095).

***Consider signing a request to merge parcels R04786 and R05021 - Dale Haile parking lot/temporary jail project:*** Sam Laugheed said that Mr. Goodsell has been working with Sarah Sluss and Brian Stender on this and the request is in regards to the Dale Haile parking lot and the temporary jail project. The City of Caldwell requires, and would have required for the extension project as well, that the two parcels be combined in order for any structure to go on top of it. When the Board had a meeting a few weeks ago there were motions to approve the ministerial administrative type work necessary to apply for the Special Use Permit. Brad Goodsell said the merger of these parcels is for tax purposes. The law permits for parcels to be merged for tax purposes if the names on the parcels match, if the parcels are contiguous, if they are in the same tax code area and if the taxes have been paid to date (which does not apply in this case). The Assessor does these regularly and have a form that just needs to be filled out and once they determine the requirements have been met they merge the parcels. For the Board's consideration today is the merger request with all the requirements that have been met. Commissioner White made a motion to sign the merge request form for parcels R04786 and R05021 – Dale Haile parking lot/temporary jail project. The motion was seconded by Commissioner Dale. Commissioner Rule said he will not be supporting this motion, he feels that they were doing fine as two lots and he doesn't think the county should be putting trailer houses on that location. The motion carried in a 2-to-1 split vote with Commissioners White and Dale voting in favor of the motion and Commissioner Rule voting against. A copy of this document is on file with this day's minute entry.

The meeting concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COURT OPERATIONS STAFF TO OPEN BIDS FOR THE CANYON COUNTY COURTS OUTSOURCED SCANNING PROJECT ISSUED JULY 19, 2018

The Board met today at 9:38 a.m. with the Court Operations staff to open bids for the Canyon County Courts Outsourced Scanning project issued July 19, 2018. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Mike Porter, Chief Deputy P.A. Sam Laugheed, Director of Court Operations Denise Kennel and Deputy Clerk Jenen Ross. Mike Porter explained that this project was sent out for solicitation of bids with invitations sent specifically to four local companies with one company submitting a bid by the deadline. A walk-thru was held yesterday that all four companies were invited to; Integra Paperless was the only vendor in attendance. The following bid was the only bid received:

#### **Integra Paperless**

Received July 26, 2018 at 4:27 p.m.

Bid amount \$76,805.35

This was a low-bid process and Integra has agreed to meet the qualifications. The bid will be reviewed by both the Clerk and Prosecuting Attorney's Offices and then it will be brought back to the Board for action. The meeting concluded at 9:40 a.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2018 TERM

CALDWELL, IDAHO JULY 30, 2018

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

#### APPROVED CLAIMS ORDER NO. 8/10/18

The Board of Commissioners approved payment of County claims in the amount of \$136,824.69, \$42,786.00, \$114,458.54 and \$44,180.68 for accounts payable.

#### FILE IN MINUTES

The Board filed the Assessor's 2018 Abstract by Category – Annual Real and Personal Property report and 2018 Annual Assessed Value by Taxing District in today's minutes.

#### FILE IN MINUTES

The Board filed the Treasurer's monthly report for June 2018 and the quarterly report for April 1, 2018 thru June 30, 2018 in today's minutes.

#### APPROVED MAY 2018 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

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

#### LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. for a legal staff update and to consider agenda items. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, IT Director Greg Rast left at 9:14 a.m., Assistant IT Director Eric Jensen left at 9:14 a.m., Chief Deputy Sheriff Marv Dashiell left at 9:13 a.m., Sergeant Rob Whitney left at 9:10 a.m., Communication Manager Roxanne Wade left at 9:10 a.m., Communication Assistant Manager Melinda Chynoweth left at 9:10 a.m. and Deputy Clerk Jenen Ross.

***Consider signing Idaho Public Safety Communications Commission FY2019 Dedicated Enhanced Emergency Communications Grant Fee Fund application:*** This is a grant that is available each year from the Idaho Public Safety Communications. This is for the \$.25 fee that is put into the E911 grant fund and each year they have the opportunity to apply for equipment. This year is a little different as they put two applications together as one. Owyhee County wants to share the backroom equipment with Canyon County so that is part of one but if they decide not to approve that grant they've added in the grant to upgrade the system by itself as a stand-alone. This would be to upgrade the backroom Viper phone system as it's coming to end-of-life. The total cost to do it stand-alone would be about \$284K under the grant but if Owyhee County shares the backroom equipment then they will take on a percentage which will drop it down to \$250K; the equipment itself is \$210K and then another \$79K for maintenance. They are separated out as maintenance is something that can be requested every year as part of the ongoing funds. Commissioner Rule made a motion to sign the Public Safety Communications Commission FY2019 Dedicated Enhanced Emergency Communications Grant Fee Fund application. The motion was seconded by Commissioner White and carried unanimously. A copy of this application is on file in the Commissioners' Office.

***Consider signing memorandum of understanding with the Third Judicial District for Canyon County Information Technology Services:*** Greg Rast explained this is for the website that IT has taken over for the Third Judicial District since their hosting company has chosen not to do it any longer. There was an initial cost of \$5000 and then \$2400 each year for maintaining the Family Court Services website. Upon the motion of Commissioner White and second by Commissioner Rule the Board voted unanimously to sign the MOU with the Third Judicial District for Canyon County Information Technology services (see agreement no. 18-096).

***Consider signing Microwave Tower maintenance agreement with Idaho Tower Construction Company, LLC:*** This agreement is for the annual check-up and support package with a cost of \$680 and a cost of \$1360 for the physical inspection of the towers. Upon the motion of Commissioner Rule and second by Commissioner White the Board voted unanimously to sign the Microwave Tower maintenance agreement with Idaho Tower Construction Company, LLC (see agreement no. 18-097).

The meeting concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

JULY 2018 TERM  
CALDWELL, IDAHO JULY 31, 2018

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

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 8/11/18 for a wedding.

#### CONSIDER SIGNING SOLE SOURCE LEASE/PURCHASE AGREEMENT WITH ALL DETAINMENT SOLUTIONS FOR TEMPORARY JAIL SYSTEM

The Board met today at 9:02 a.m. to consider signing a sole source lease/purchase agreement with All Detainment Solutions for a temporary jail system. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Sam Laugheed, PIO Joe Decker, Nicole Foy with the Idaho Press, Jail Captain Daren Ward, Gladys Chase, Larry Stevenson and Deputy Clerk Jenen Ross. Sam Laugheed prefaced the meeting stating that the last time the Board met about this was on July 9<sup>th</sup> and at that time there was a quote from All Detainment Solutions (ADS) that was set to expire on July 31<sup>st</sup>. Due to timelines for sole source procurement and availability of Board members a preliminary notice was published on July 17<sup>th</sup> establishing today as the deadline to receive public comment in either written form or to come before the Board today to offer comment. However, since the notice was published the county has been able to negotiate with ADS to extend the quote thru the end of August, the quote will now expire on August 31<sup>st</sup>. A neighborhood meeting with the City of Caldwell has already taken place to comply with their permitting process and a planning and zoning commission meeting is scheduled for August 14<sup>th</sup> so the contract could be reconsidered sometime after that and before the end of August. Mr. Laugheed believes since this meeting has already been noticed and people have made an effort to attend it would be beneficial to the county to receive comment today and then continue the contract signing out. It's likely an additional notice of the sole source will be published just to continue the due diligence and to make sure everyone is being heard. He explained that this project is being done as sole source because ADS is the only source reasonably available because of an imminent and ongoing detriment to the public welfare and because additional competitive solicitation would be impractical, disadvantages or unreasonable under the circumstances. We're not saying specifically that there's no one else who makes jail facilities but due to the unique nature of the product, the work that's already been done and the timeline we're on it would be impractical to extend out additional procurement for months. In July Clerk Yamamoto, Controller Zach Wagoner and Jail Captain Ward visited ADS to examine this product in order to make a recommendation to the Board and give a status as to the financial soundness of a potential lease or purchase.

Gladys Chase offered comment stating that she takes exception with the sole source procurement in regards to one of the administrative codes. She said that a sole source purchase shall be used only if a requirement is reasonably available from a single supplier, a requirement for a particular proprietary item does not justify a sole source purchase if there is more than one potential bidder. Ms. Chase spent 44 years of her career with the Department of Defense having unlimited authority to sign billion dollar contracts. She didn't feel she could let this project happen without expressing her concerns and worries that the Board is making a decision with a limited knowledge base and only based on the presentations they're given. She has done some research and learned that ADS has only been in business for about a year and a half and is concerned about the longevity of the company with the county considering a multi-year lease or purchase. Ms. Chase would like to volunteer her services with her knowledge base and possibly meet with the procurement lead to discuss the process as a whole. She wants to see that when something is brought to this Board that they have accurate information and a clear picture of what this is all about. Mr. Laugheed responded to Ms. Chase asking her to submit her comments in a written format to which she said she would do. He also addressed the codes Ms. Chase referenced stating that the codes she referenced govern the Department of Defense and state agencies but that the county is bound by Idaho Code §67-2808 that provides our law for sole source which is different from what she is referencing and that the county has indeed followed the correct process for sole source.

Larry Stevenson commented that he knows the present Board is passionate about finding some short-term and long-term solutions to the jail situation. He believes a lot of progress has been made in trying to make a decision. Due to the delay of this decision by previous Boards the county now has a short-term crisis and a long-term goal to meet. His suggestion would be to go ahead and build and show the taxpayers that the county is really serious about this – for example, build a 500 bed jail on the 20/26 property for \$100M instead of \$200M as that may be a “better bullet to bite” for the public, build wings and then develop those wings as needed. He doesn't believe that the local option tax is a viable option as he doesn't see it making it thru the legislature, additionally, government likes to have an even playing field and if Canyon County has a 1% local option tax that would give Ada County a 1% advantage. He would like to see a decision on this lease postponed.

Commissioner Rule said that only one manufacturer of this type of product was presented to the Board and thought it would be wise if they knew who the other manufacturers are. Commissioner Dale said he would like to see other options presented. Sam Laugheed believes more due diligence could be done but that it would be appropriate to continue the consideration of the ADS lease/purchase to August 22<sup>nd</sup> at 9:00 a.m. which would give the county time to give notice again and meet with the city.

Captain Ward thought there had been one company from Colorado that has contacted the county about the product they offer but from what he can tell in looking at their website they have a product that has to sit on a foundation and that takes away the idea behind this being temporary. He also noted that it is not the same type of product that ADS provides, it is more

like a modular home design and not built to the same security specifications as what they've seen at the ADS facility.

Commissioner White made a motion to continue the consideration of the sole source lease/purchase agreement with All Detainment Solutions for temporary jail system to August 22, 2018 at 9:00 a.m. The motion was seconded by Commissioner Dale. The motion carried with a 2-to-1 split vote. Commissioner Rule voted against the motion stating that he cannot support this activity and feels this is a bad path for the county to be going down, that ultimately it's not a good choice to have temporary jails set up if they can even be permitted. The meeting concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH CANYON HIGHWAY DISTRICT REGARDING SHARED PROPERTY ISSUE

The Board met today with the Canyon Highway District regarding a shared property issue. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Weed Control Superintendent AJ Mondor, Deputy P.A. Brad Goodsell, DSD Director Tricia Nilsson, Facilities Director Paul Navarro, Highway District Commissioner Jay Gibbons, Highway District Commissioner John McEvoy, Maintenance Superintendent Chainey Rhoades, Assistant District Engineer Chris Hopper, Director Dave Jones, and Deputy Clerk Monica Reeves.

Today's discussion was predicated on a request that was brought to the Board by Director AJ Mondor in regards to Canyon Highway District's request to build a structure on the ground that's shared by both the entities. Commissioner Gibbons said the district has three items they would like to discuss today: 1) Co-ownership of the property and where the structure should be built; 2) the district's future long range plans and goals which may potentially involve some new property that's owned by the County; and 3) the southern bypass, known to some as the "Bryce Millar Turnpike."

#### **Shared property:**

Dave Jones said the proposal is to build a structure on the shared ground to house their bridge crew and equipment and it would be placed exclusively in the area where the district has stored its equipment for years. The project was approved for this current fiscal year, but as it stands now they're going to defer those funds to next year because they don't have enough time to get it built. He noted that some of the parked equipment would go to the Kapicka gravel pit or be moved further south into the property. Chainey Rhoades said their paint truck is a \$400,000 piece of equipment and it needs to be under cover, also, being able to consolidate a lot of the material and equipment in the new structure will make for a more efficient operation. Director Mondor said the proposal will not get in the way of the weed control department's current operation. He noted that the warranty deed states each entity owns one half, but it's not designated who owns what half or where the half is. Commissioner McEvoy said his first gravel contract was with the County's Road and Bridge Department back when the entire property belonged to the County and when the Canyon Highway District was formed it was located to that property and they've been using it ever since with the understanding that if either party needed to change something they would talk to the other party. Commissioner Rule said it sounds like the district is utilizing a lot of

space but as long as Director Mondor's needs are met he doesn't have a problem with the request. Commissioner Dale agreed. Commissioner Gibbons said as our needs grow on both sides there will eventually become overlap and conflict and that's why the district wants to talk later about other potential sites for expansion. Brad Goodsell said there are two parcels; on the right side there's a parcel owned exclusively by the highway district, but the jointly owned parcel is what's at issue. When we say jointly owned it's owned as tenants in common which means that each party has an undivided half interest so that means we own half interest in every square inch of the property and the district owns half interest in every square inch as well. It's not like it's a divided interest, it's an undivided interest. Mr. Rhoades said if the request is approved they will prepare an updated sheet that depicts how things are laid out on the property and it can be attached as an amendment to the revised agreement. DSD Director Nilsson said there is a conditional use permit for the property that covers all future buildings and there seems to have been an understanding, which has now changed, that the highway district didn't have to pay building permit fees so when they do submit an application and DSD calculates those fees we will need a written request if that is their desire. She also said if Mr. Rhoades is preparing a new map it would be helpful if it included the location of the septic fields and any replacement fields since the construction. Mr. Rhoades indicated that could be done. He also said when he spoke with the contractor he indicated he would take care of the permit fees and go through DSD once he gets the go-ahead from the district. Director Nilsson said with some public entities the Board has entertained requests to reduce or waive the fee, but we won't know what the fees are until we see the size of the building. She encouraged the contractor to meet with the County's building official. Chris Hopper said if the Board is willing to consider a waiver of the building permit fees they will gladly submit a written request. Commissioner Dale said it sounds like the district may be too late in the construction season to do anything this year, but if the County chose today to waive the 90-day time period it could begin right now. Mr. Goodsell said the agreement envisions that the highway district would give us a proposal that would include the use, duration, plans, and specifications for the construction site at which time the County would have 35 days to object. The district has to provide the County with 90 days' notice prior to the commencement of the development and we have 35 days to object. We could waive that, but he said the Board doesn't have enough information to make a decision because it doesn't know what the specific plans are but once they get that and meet with DSD then they can give it to the Board and then the Board can waive the time period elements. Commissioner Gibbons said they should proceed in that way and get the plans to the Board. Mr. Rhoades said they've already published their budget for the year and they've moved the project so there's no hurry although he would like the structure up before October so they can get everything stored. The contractor said he can have it up in 30 days, from the time it's permitted to the time it's completed. Mr. Jones said it's just for storage, it won't be a big building and it won't be occupied.

#### **Highway district's future long range plans and goals:**

Commissioner Gibbons said they currently have a plan in place to replace their shop which is antiquated and needs to be modernized and they want to discuss the option of either building a new shop onsite or consider moving to a larger site that would accommodate their growth in 20-30 years. The County has some property that may or may not be earmarked for construction, such as the acreage at Pond Lane and Highway 20-26 and the district would like the Board to consider allowing them to relocate there and begin some of their operations



initially, maybe the shop to start with, rather than building a new one on the current site. The plan would be to move incrementally as years go by and as the district can afford to in their budget. Mr. Jones said they commissioned a study with an architecture and engineering firm to look at their operations and the way they're situated and make recommendations for how big a footprint they should have and what the layout of that property would look like. It was determined that they should have a minimum of 10 acres to operate but currently they're on a six-acre shared site and so that's one of their challenges. He's concerned that ITD is going to rebuild Exit 25 where Highway 44 ties in and he doesn't know how much they will take out of the shared site, but they cannot afford to give up any space. They have looked at other sites and two years ago when he noticed the County had listed the proposed jail site property for sale he spoke to Facilities Director Paul Navarro to see if the County would be interested in selling any, or all, of the property. He was told to call back in January when the new Commissioners would take office but Mr. Jones didn't call back because he had found out it would be 10-15 years before COMPASS or ITD will do anything with Exit 25 so there wasn't a sense of urgency. They can live on the current site for a while longer but the highway district Commissioners want to keep their options open for finding another property. Commissioner Dale said it was a split vote but the Board designated the Highway 20-26/Pond Lane property as the site for a future jail and according to the strategic needs analysis we will need the entire parcel. Commissioner Rule asked if the district has considered the property behind the old Idaho Concrete plant off of Simplot Boulevard which consists of six acres and is for sale. The property is landlocked but perhaps the district could work out a deal with the sellers to get more acreage. Commissioner Gibbons said they were looking for guidance and didn't know what the plans were for the Pond Lane property and whether the County needed all of it.

#### **The southern bypass route/"Bryce Millar Turnpike"**

Commissioner Gibbons said he and Commissioner Rule previously discussed this issue at a COMPASS meeting. Commissioner Rule said for years Nampa Highway District Commissioner Bryce Millar worked on a southern bypass route that's very forward thinking and he wants to make sure the concept is kept alive because it's worth trying to preserve the property before development occurs along the proposed pathway. He said perhaps a two-lane gravel road would be a place to start on the parts that don't exist so that it helps preserve it. Commissioner Dale said over the years he's had many conversations with Mr. Millar about this and part of the proposal was to take off at the Middleton exit and come south of the lake. He asked if it's been identified on a map as a potential route. Commissioner McEvoy said the route they were looking at went quite a bit farther north to Exit 13 where it ties in to a lot of the country in Payette County. Mr. Hopper said in 2011, shortly after the Nampa Highway District adopted their segment of the Bowmont Road Corridor, Canyon Highway District initiated a fairly involved study of some available connections between the terminus of Nampa Highway District's route, the intersection of Marsing Road and Walker Lake Road, and they evaluated a number of different alternative alignments and held public meetings. He said their portion of the alignment faces a significant number of challenges above and beyond what Nampa Highway District had in their portions of the district. There are some significant terrain conditions particularly on the southwest corner of the lake and there are river crossing connections with three or four different state highways, consideration for which where is the best alignment to connect to the interstate. They were not able to reach a consensus on what the best alignment might be, but said there were several alternatives

located outside the Canyon Highway District that may be worthy of consideration. Mr. Hopper said by direction of the highway district board in 2012 they ceased work on that study. There has been some preliminary work done, but it's his recommendation that if it's a serious consideration we take this matter to COMPASS and ask them to conduct a broader range study since they are more suited to handle this multi-jurisdictional planning area. Commissioner Rule said we have the Notus exit already built and if the district could work on the part from the highway across the river and try to plan for that it would work as a stop gap measure until funding and growth demands dictate that it goes over to Payette County. Now is the time to try to get the infrastructure built or preserved for the next 20 years. Mr. Jones said the highway district is a planning and building group, not a preservation group. The land use planning rests with the Board of County Commissioners. He said at one time there was an ordinance that protected their expressway right-of-way but the Board has rescinded it so now they have no opportunity to preserve right-of-way for the expressway. Director Nilsson said when Communities in Motion went through in 2005 they had a lot of workshops and as you know the regional transportation plan is required to be fiscally constraint in that we can only put in projects the region has the funding for so when the financial analysis was done at that time there was a southern arterial route and it would have consumed all of the available funding and even Mr. Millar said we could not do it. Speaking to the right-of-way preservation, through this Board and the comprehensive plan of preserving farm land and directing growth into the cities is probably the best thing we can do until we have funding because we can't restrict someone's property rights unless we have an official map and then you only have six months to pay them. There is an ordinance she will bring to the Board to shift density so we can preserve rights-of-way that are shown in an adopted plan, we're not paying them we're just giving them the ability to shift the density or cluster it away from roads. We are not given a lot of tools and we have a funding crisis with transportation and so what Mr. Hopper suggested is probably the best we can do to start keeping it as an analysis toward a regional transportation plan to see if there is a facility who would drive it. It's good to keep the analysis updated to see what kind of travel demand would be on this type of facility. Mr. Jones said during his tenure as the ITD district engineer, the ITD board met with representatives from Ada County and Canyon County and the drove the expressway in 2008 and 2010 and at that time the ITD board said it had no interest in participating in the funding or planning of that route primarily because they determined that of the 120,000 cars a day that go by the "Y" it would serve 25,000 and so building a \$330,000,000 a mile bypass for one-eighth of the volume was not anywhere near what they were willing to absorb so they pretty much pushed it off onto the local governments to take on as the lead. Commissioner Rule said he's not saying we should built it or fund it, he's saying in 20 to 30 years our needs will be completely different and he hopes we have the wisdom and foresight to plan. He suggested this group meet again in three to six months and discuss it with COMPASS. Commissioner Gibbons agreed and said such a meeting would be a good place to start with Director Matt Stoll and his planners. Mr. Hopper said our best method to get some planning with COMPASS is to present to them a project, a study of the corridor area and ask for COMPASS staff time to consider it. A second alternative might be to try and incorporate this into some of the federal aid process programs and make an application for an actual project to conduct a study to determine the best ways for us to move forward. He agrees it would be in the entire region's interest to be able to identify this corridor now before a great deal of development takes place because it's obvious that in 20-

30 years there is likely to be a need for it, however, we are somewhat hamstrung in that we can draw a line on the map but we have no tools to preserve the corridor. Commissioner Dale said we need all jurisdictions with road authority within this corridor at the table and in agreement before we can do anything. Commissioner Rule said we need to get it on the functional classification map and designate it as future highway use. Mr. Hopper said there are ordinances that provide for setbacks, 70 feet from an arterial and 50 feet from a collector roadway that provide for preservation of roadways along those routes designated on the functional classification map. Director Nilsson said in terms of engaging with COMPASS, Communities in Motion is scheduled for adoption in November so shortly thereafter that as they get ready for the next update would be the time to meet. She said the other tool they used to talk about is the corridor preservation fund and that might be part of the conversation to help get some funding just for preservation. She will check on where the funding comes from. It was decided that this group will meet again in three months with COMPASS and the other highway districts and discuss whether they want to consider routes such as Highway 95 or bypasses on the western side of the county. The meeting concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS PROPERTY NORTH OF SIMPLOT BLVD FOR POSSIBLE USE AS A PARK

The Board met today at 10:35 a.m. to discuss property north of Simplot Blvd. for possible use as a park. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend, Weed and Pest Director AJ Mondor, Facilities Director Paul Navarro, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. Director Mondor said this property is an oddly shaped six acres right on the river. Mr. Mondor said he's been in contact with Dean Johnson at the Department of Lands and all the disclaimers for this property have been done and there is a greenbelt easement but it's on the opposite side of the river from us. He said the greenbelt easement is from the train tracks all the way across to the other side of the river so if we were able to get a grant to build a bridge using the abutments that are already there we would have access to that. Commissioner Dale said that they just met with the highway district and that they're looking for some property to expand their operations. It was pointed out that the property adjacent to this is for sale and it was tentatively offered that if they could procure access and property that would be sufficient that something could be worked out for this 6 acres. He thinks maybe the discussion about a park might need to wait until the highway district does a little exploration to see if they can use it. Commissioner Rule wants to see it kept on the radar as it is believed that the county acquired the property in the 1940's and nothing has been done with it. Director Schwend feels that river front property is great for parks and it also could fit into hazard mitigation plans with the flood zone and provide recreational opportunities with a set-back, land that can't just be used for anything else. She would like to get DSD Director Nilsson involved because one of the things in Ms. Schwend's 2, 5 and 10 year plan is looking at those river front properties and considering putting contingencies on them or rezoning them for this intended use because the valley is growing. Her desire with properties like this is to think long term, that in the future there is going to be a desire to have a greenbelt thru there so if we sat on it there is potential, especially along the river, for grants. She said it can take a while and takes some coordination but we have great partners such as Idaho Fish and

Game and FACTS has wanted trails in there for several years. Director Schwend said with the Canyon Highway District looking at this adjacent property possibly there could be some agreements as grants are approached. Director Mondor asked if there is any way of co-purchasing property with the highway district and they would be able to use the former gravel area for their needs and the county could use the ponds for fishing or recreational use. Commissioner Rule said it would be tough to budget for but that if the highway district does end up moving and the weed district goes with them that perhaps monies from the sale could be put towards the purchase of this land. It may be something worth looking into as the property has been for sale for 3 years and it may be beneficial for the owners to donate it. Commissioner White asked about a reclamation plan for a depleted gravel pit. Director Mondor understands that this property was being used for processing and it's already gone thru its reclamation plan era and is completely reclaimed as far as the Department of Lands is concerned and the reclamation plan has been closed. Director Mondor will work to arrange a tour of the grounds for anyone who would like to attend. The meeting concluded at 10:48 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:33 p.m. to go on the record to reschedule the public hearing in the matter of a request by Dana Martenes for a rezone. Present were: Commissioners Tom Dale, Pam White and Steve Rule, DSD Planner Kyle McCormick, and Deputy Clerk Monica Reeves. According to Mr. McCormick the applicant needs some time to work out a meets and bounds description of the portion of the property they are requesting to have rezoned. Upon the motion of Commissioner Rule and the second by Commissioner White, the Board voted unanimously to reschedule the public hearing to August 21, 2018 at 11:00 a.m. The meeting concluded at 1:34 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH ANNE WESCOTT TO DISCUSS PROPOSAL FOR CANYON COUNTY FISCAL IMPACT ANALYSIS FOR SUSTAINABLE GROWTH

The Board met today at 2:01 p.m. for a meeting with Anne Wescott to discuss a proposal for Canyon County fiscal impact analysis for sustainable growth. Present were: Commissioners Tom Dale, Pam White and Steve Rule, Clerk Chris Yamamoto, Controller Zach Wagoner, Deputy P.A. Zach Wesley, Ozzie Gripentrog, Anne Wescott and Deputy Clerk Jenen Ross. Director Nilsson explained that there is some concern about the fiscal sustainability of the growth that the county is having and will continue to have. Anne Wescott does work on impact fees and is currently working with the City of Nampa. Ms. Wescott and Mr. Gripentrog wanted to speak with the Board about fiscal impact studies and how Canyon County can get a better understanding of the cost of growth. They have developed a proposal of a model that will show the cost of growth and the impact it has on the different service agencies and districts such as highway, schools and health. Director Nilsson said the county is embarking on an updated comprehensive plan and engaging with the cities, this model could help determine which land use patterns are most sustainable and if they pay their own way. Ms.

Wescott explained the model they've developed can be continually updated and model the fiscal outcomes of a variety of different developments; it can be used with the comprehensive plan, urban renewal, and as an economic development plan. This tool can be used as a way of really being able to take what we think we know about growth and balance it against the realities of growth. It gives an opportunity to be intentional and informed about growth and the look and feel of the county. This model shows what it would cost to serve every rooftop and can show how much each rooftop generates in property taxes, liquor tax, etc. Ms. Wescott said cities would be able to use this if they are considering annexation, it would show if the annexation would be beneficial to them. The City of Nampa has already hired them but the City of Caldwell has not. If it is something the county decided it's interested in it would be beneficial to invite everyone in at that time so that the model could be built one time instead of several times; this would also give the opportunity to have a better grasp on the variables. Most of Ms. Wescott's clients that have planning staff add a piece in every planning report that says 'fiscal impact' to show if a project will or will not be fiscally sustainable. Commissioner White is concerned about the affordability to the smaller communities. Ms. Wescott explained that it would be good if the county could facilitate conversations with those communities to determine their interest. It's obviously more economical to build the model just once and be able to export some assumptions for the smaller communities into the report and then they would be financially responsible for their piece of the model. Commissioner White also asked if Nampa was too far into the project to be a part of this conversation. Ms. Wescott said they are not, they would just input the information they've already collected. Commissioner Rule asked how this would work with the comprehensive plan. Ms. Wescott said it is not her intent to force everyone to participate and if the county wanted to do this for the unincorporated land use planning that would still have benefit. Commissioner Rule has concerns that this seems to revolve more around annexation and that the cities have more say in that than the county. Director Nilsson explained that when she has conversations with cities she will often tell them that when the cities do well the county also does well from a fiscal perspective and it's in everyone's best interest to have fiscally sustainable development, it would just be another tool for cities to use to help answer questions especially in the smaller cities where they don't have the expertise on staff. Clerk Yamamoto believes it is imperative that all government understand the cost of growth, particularly with the growth we've been experiencing and a lot of what we have is not sustainable. He would like to see a holistic approach taken by everyone involved including the county, the cities, and the schools and that if some guidelines were set growth could be better planned. He feels that right now there are a lot of subdivisions in unincorporated Canyon County that don't pay for themselves. Mr. Gripentrog said he thinks of this model in layers and that each city would be a layer and then you have the county that would incorporate all of those layers to show the total impact. Controller Wagoner said that how the cities grow and develop have a direct impact to the county services including the jail, indigent services and public defense among other things. Commissioner Rule asked how this model would work in conjunction with COMPASS. Ms. Wescott said that they use COMPASS mapping and trip generation assumptions so all of their demographic and visual planning is the basis of this. Director Nilsson would like to invite representatives from the cities, highway districts and school districts to a meeting where Ms. Wescott could give a more detailed presentation and then have a facilitated discussion of what they need to better understand what the cost would be to them. Commissioner Rule and Mr. Wesley brought to

everyone's attention, that based on the scale and cost, this project may need to go thru the proper procurement procedure. Ms. Wescott said that \$20,000 to \$25,000 is the cost to develop a model for one city but she will have a better idea of cost once it's determined which/if any cities are interested in participating. Commissioner Dale believes this would be valuable information to have and would be a way to provide citizens with reasonable answers. He asked Director Nilsson to compose a letter to all the taxing districts letting them know that the county is starting to explore this model as a way to gage their interest in this project, at that point a meeting could be held to develop the scope of work to be done if there is an interest. The meeting concluded at 3:09 p.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF JULY 2018 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO. SIGNED THIS 28<sup>TH</sup> DAY OF SEPTEMBER BY CANYON COUNTY BOARD OF COMMISSIONERS STEVEN J. RULE, TOM DALE AND PAM WHITE. ATTEST: CHRIS YAMAMOTO, CLERK BY J. ROSS, DEPUTY CLERK.