

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 1, 2019

PRESENT: Commissioner Pam White, Chair – out of the office
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Advanced Automation & Electrical in the amount of \$39,700.00 for the Facilities department
- HP, Inc. in the amount of \$1663.00 for the Information Technology department
- Henriksen Butler in the amount of \$5073.69 for the Information Technology department
- BOE in the amount of \$7963.00 for the Information Technology department
- BOE in the amount of \$7713.00 for the Information Technology department
- Dell, Inc. in the amount of \$1186.04 for the Information Technology department
- HP, Inc. in the amount of \$5546.00 for the Information Technology department

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:02 a.m. for a meeting with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Leslie Van Beek, Assessor Brian Stender left at 9:08 a.m., Chief Deputy Assessor Joe Cox left at 9:08 a.m., Deputy P.A. Dan Blocksom left at 9:08 a.m., Deputy P.A. Zach Wesley, HR Director Sue Baumgart left at 9:15 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing independent contractor agreement with appraiser Brent Eyre for income approach report for Admiral Beverage property: The Assessor’s Office would like the assistance of Mr. Eyre in preparing an income approach assessment. Dan Blocksom said since this contract is under \$50,000 it doesn’t require a procurement process, additionally, personal and professional contracts are exempt from the procurement process. Mr. Eyre is reviewing the contract and will provide a signed copy at a later time. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the independent contractor agreement with appraiser Brent Eyre for income approach report for Admiral Beverage property (see agreement no. 19-179).

Consider signing renewal confirmation with Delta Dental: There is a minor employee increase from \$4.54 to \$4.68 and will include the HOW program (Heath through Oral Wellness) which Director Baumgart explained. Upon the motion of Commissioner Dale and second by

Commissioner Van Beek the Board voted unanimously to sign the renewal confirmation with Delta Dental (see agreement no. 19-178).

EXECUTIVE SESSION – RECORDS 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 as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:15 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) regarding records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:30 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.

PUBLIC HEARING TO CONSIDER APPROVAL/DENIAL OF A REQUEST BY MIKE & SHERRY DUDLEY FOR A PRELIMINARY PLAT, IRRIGATION PLAN, AND FINAL PLAT FOR NOAH'S LANDING SUBDIVISION; CASE NO. SD2019-0002

The Board met today at 10:00 a.m. for a public hearing to consider approval/denial of a request by Mike & Sherry Dudley for a preliminary plat, irrigation plan, and final plat for Noah's Landing Subdivision; case no. SD2019-0002. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of DSD Tricia Nilsson, DSD Planner Debbie Root, Mike Dudley and Deputy Clerk Jenen Ross. Debbie Root gave the oral staff report stating that Noah's Landing Subdivision was a development that was originally platted and applied for in 2005/2006 and the preliminary plat was approved in 2007. Since the final plat was not submitted and approved the development expired but the irrigation system, electrical and roads were installed in the 2007/2008 timeframe. Mr. Dudley purchased the property with the intent to complete the development as proposed. At the time the property was zoned RR (rural residential) and one acre lots were allowed. Mr. Dudley was required to rezone the property to R-1 (single family residential) which would then allow the one acre lots that had been designed with services installed. The ordinance requirement for the checklist review for the preliminary and final plats was noted that the cul-de-sac for the road was not compliant with the current zoning ordinance requirement of a 70' bulbous radius. It was determined that the lot could go thru a variance process and reduce the radius from 70' to 60' for the five lot residential development that was applied for by Mr. Dudley under

administrative decision 2019-0089 and approved by Director Nilsson as a variance of less than 33%. Neither the fire district nor the highway district raised any concerns about the safety and the access use of that reduction in road lot width. At the request of Commissioner Van Beek, Director Nilsson spoke about the necessity of the variance stating that the roads were already installed and then the ordinance changed. It is a small subdivision so they felt the variance was not at odds with public safety. The county engineer and surveyor, Keller and Associates, along with staff have reviewed the preliminary plat, irrigation and drainage plan, final plat and found it to be in accordance with all of the checklist items that are required thru the ordinance. Staff is recommending approval of this development, it's completing a development that had been essentially abandoned but primarily completed. Mr. Dudley has done everything that's been asked of him to bring this development into compliance with the current code. Commissioner Van Beek made a motion to sign the findings of fact, conclusions of law & order, the final plat and irrigation and drainage plan for Noah's Landing Subdivision, case no. SD2019-0002. The motion was seconded by Commissioner Dale and carried unanimously. The meeting concluded at 10:13 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 4, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- TPC Training in the amount of \$2200.00 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Ana Gallegos and Greg Ferney.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:31 a.m. for an office staff meeting. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy Clerks Jenen Ross, Jamie Miller, and Monica Reeves. The Board reviewed this week's schedule with staff. In regards to tomorrow's

meeting with the Facilities Director and the Fair Director regarding the infrastructure associated with the fair building, Commissioner Van Beek said if we can get numbers for the project we can make a request to Caldwell Urban Renewal for some funding. She also requested that action items be added to the agenda in relation to the upcoming meeting regarding the Caldwell Urban Renewal Area, assuming that all questions have been answered satisfactorily. *(The items were initially scheduled for Friday, November 1st but were subsequently cancelled.)* Commissioner White is hesitant to put an action item on the agenda because she's not ready to take action, however, Commissioner Dale said it doesn't hurt to put the action items on the agenda, it doesn't mean the Board has to take action. The meeting concluded at 8:40 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy Sheriff Marv Dashiell left at 9:16 a.m., PIO Joe Decker left at 9:10 a.m., Deputy P.A. Dan Blocksom, Deputy P.A. Mike Porter left at 9:16 a.m., Cpt. Mike Armstrong left at 9:16 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Canyon County Narcotics Unit and Canyon County Sheriff's Office equitable sharing agreements and annual certification reports for fiscal year end 2019: Chief Dashiell said monies have been taken into the Sheriff's Office thru Federal Asset Sharing due to the change in reporting requirements for task forces. Task forces are no longer eligible individually to be able to claim asset sharing so CCNU had to move their funds into the Sheriff's Office as a master/parent agency. These two documents show that CCNU is transferring their funds to the Sheriff's Office and the other shows the Sheriff's Office revenue and expenses. Chief Dashiell said all expenses were used for narcotic investigations. Commissioner Dale made a motion to authorize the chairman to sign both the Canyon County Narcotics Unit and Canyon County Sheriff's Office equitable sharing agreements and annual certification reports for fiscal year end 2019. The motion was seconded by Commissioner Van Beek and carried unanimously. See agreement nos. 19-182 and 19-183.

Consider signing Traffic Enforcement Grant Project Agreement (TEGPA) with Idaho Transportation Department Office of Highway Safety: The state provides funds on a reimbursement bases to offset the cost of overtime for certain traffic enforcement mobilizations. Generally when an officer is on a mobilization they typically are only working on that mobilization unless there is a life or death type call. Cpt. Armstrong provided a review of overtime monies that were paid out last year. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the Traffic Enforcement Grant Project Agreement (TEGPA) with Idaho Transportation Department Office of Highway Safety (see agreement no. 19-181).

The Board took a recess at 9:23 a.m. and noted the meeting will continue after 9:45 a.m. when Director Navarro will be available to answer questions regarding the foreclosure sale location agreement with Auction.com, LLC.

The Board went back on the record at 9:56 a.m. with Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross. PIO Joe Decker arrived at 10:00 a.m. The action item was considered as follows:

Consider signing foreclosure sale location agreement with Auction.com, LLC: Commissioner White asked about being able to charge for the space, Mr. Blocksom said he will need to do some research on that. Director Navarro said there are three possibilities for areas to hold the auction – the foyer of courthouse, the public meeting room although it’s heavily used and the courthouse courtyard which is the most viable option. The space will only be used a few times a year and usually it’s the same group of 10-15 people who attend. At the request of Commissioner Van Beek, Mr. Navarro addressed security concerns. Commissioner Dale stated he would like to try it and see how it goes. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the foreclosure sale location agreement with Auction.com, LLC (see agreement no. 19-180). The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners’ office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 5, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 11/8/20

The Board of Commissioners approved payment of County claims in the amount of \$20,693.45 for accounts payable.

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

The Board met today at 8:31 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Facilities Director Paul Navarro, Assistant Facilities Director Rick Britton, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

The Board was updated on the following:

- Recently there was a meeting with the design team (Cole Architects) for the fair building and they have provided some options which Director Navarro reviewed with the Board. A consultant has been working with Director Sinner on ways to make the building useful throughout the year. There are no final numbers at this point and Director Sinner spoke about donations from R&M Steel but there will need a design first. There may also be opportunity for donation of the concrete floor. Final design drawings could still be 90-100 days out.
- Director Navarro, Director Sinner and Commissioner Dale attended a stakeholder meeting in the fall and were asked to look at some infrastructure possibilities that URA money could be used for. Some items they may ask for are curb and gutter, pedestrian bridges, street lighting, storm water retention and parking lot improvements among other things.
- Lake Lowell is being winterized – all the docks have been pulled out, sprinklers have been blown out and an Eagle Scout group will be working on the ADA dock; two other Eagle Scout groups will be working on the fence at the gun range; other clean-up is being done at Celebration Park.
- Demo to the vault in room 201 has been started. Director Navarro spoke about the process of removing the vault and what will have to be done by a contractor. They will try to do the work on a long weekend or an evening to have the least amount of impact on employees.
- There is some remodeling to be done in the jail in regards to painting and plumbing and they are in within their window of opportunity right now. Director Navarro spoke about some of the cost savings they've been able to obtain. They believe they can do all the paint, electrical and plumbing upgrades for about \$19,000. In his budget this year he had planned to buy two new trucks but in speaking with Director Tolman they believe the trucks can make it another year and they will use those monies for the remodel. Commissioner White asked about using the paint color that was used for the courthouse recently for Pod 6 but Director Navarro said the SUP was very strict stating that Pod 6 has to match the Dale Haile facility. He also addressed concerns about snow load stating the roof of Pod 6 is reinforced to account for snow. Rick Britton is now running point for the Pod 6 construction and attended a job meeting yesterday. They now have a Gantt chart to share although it's really hard to read. They are still shooting for a November 30th deadline although Director Navarro is not sure they'll make it. ADS has presented a couple of change orders – one is for the PLC (Programmable Logic Control) which gives the ability to turn the locks remotely and a second one for the connection of the generator to the building. In total, the cost of both change orders is about \$55,000 and Director Navarro asked the Board how they'd like to proceed. The Board thought it would be a good idea to meet with the ADS representatives.

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

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

Note for the record: As properly noticed the Board met today at 9:05 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Dale made a motion to go into Executive Session at 9:06 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters involving named personnel, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:00 a.m. with no decision being called for in open session.

PUBLIC HEARING – REQUEST BY REIN DOORNENBAL FOR A MODIFICATION ON AN APPROVED DEVELOPMENT AGREEMENT, CASE NO. DA2019-0005-MOD

The Board met today at 10:06 a.m. to conduct a public hearing in the matter of a request by Rein Doornenbal for a modification to an approved development agreement, Case No. DA2019-0005-MOD. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Deputy P.A. Zach Wesley, Dan Lister, Pete Doornenbal, Norm Brown, John Carpenter, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The development agreement was approved by the Board on June 6, 2019 as part of a rezone request from Agricultural to R-1 and the agreement restricted the potential of future development to 40 residential lots and during that decision it included an average lot size of 1.4 acres. The applicant submitted a subdivision called Green Hills Landing with lot sizes of 1.13 so it does not meet the requirement of the development agreement and therefore it's coming back to the Board because of some miscommunication on what the average lot size was supposed to be. Density-wise it met a 1.43 average acre lot size but when adding in the development and the common lots the average lot size turned to 1.13. Staff's recommendation was based off the density and the conceptual plan they provided and they are recommending the development agreement be modified to remove the average acre lot size and have it state 40 residential lots and hold it to the conceptual plan that's been submitted. John Carpenter testified they submitted an application in August of 2018 for a zoning and preliminary plat request and at that time their plat had 40 lots. He believes there was miscommunication as far as density vs. average lot size and they are asking that the Board strike the average lot size and just have the agreement refer to 40 lots and have it be similar to what the conceptual site plan is. All lot sizes are over one acre. Norm Brown, a realtor with

Mark Bottles Real Estate, said they were intending for a deed restriction of 40 lots so they could be set up in any configuration and because the builder may want to move a few things around. It's about the number of lots, not the size of the lots. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek the Board voted unanimously to close public comment. Commissioner Dale said the intent was to restrict the development to 40 lots and the 1.4 acre average was just rough division. The average lot size will be above one acre. Commissioner Van Beek said having 40 lots makes sense and gives them latitude to develop the plan design with the common lots and the roadways. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek the Board voted unanimously to authorize the proposed modification to the development agreement and to sign the findings of fact, conclusions of law and order for Case No. DA2019-0005-MOD. (See Agreement No. 19-184.) The hearing concluded at 10:18 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY KYLE AND SHAUNI HOLCOMB FOR A COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AND A CONDITIONAL REZONE, CASE NO. OR2019-0007, RZ2019-0023 AND DA2019-0008

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by Kyle and Shauni Holcomb for a comprehensive plan future land use map amendment from Agriculture to Residential, and a conditional rezone from “A” (Agricultural) to “CR-RR” (CR-Rural Residential) subject to a development agreement restricting the 10-acre development to two approximate five-acre rural residential parcels. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planner Debbie Root, Stephen McPherson, Kyle Holcomb, Shauni Holcomb, and Deputy Clerk Monica Reeves. Debbie Root gave the oral staff report. The request is for the purpose of creating one additional building right on a five-acre parcel. The applicants have complied with the requirements of the zoning ordinance and they were requested to submit a development agreement to ensure the property was developed in accordance with their site plan so that only two parcels were created. This property is located adjacent to the Nampa Rod and Gun Club which has been in place since the 1930's, and we don't want a lot of conflicting development around it. The gun club is fine with Mr. Holcomb obtaining one additional building right and the development agreement will ensure it's only one additional parcel on the 10 acres. It will be consistent with low rural residential development which allows the property owner to utilize the property more appropriately for their uses. Staff is recommending approval of the comprehensive plan future land use map amendment and the conditional rezone as conditioned with the development agreement. At the P&Z Commission hearing a neighboring property owner asked that the type of housing be restricted and so the Commission placed a condition to require stick-built housing, no manufactured homes; however, Ms. Root advised that the condition is not legal. The applicants are not bound to that condition. The property is adjacent to the gun club on the east boundary. The Nampa Rod and Gun Club, Exhibit 17, indicates the ranges fire to the north, and this property is south of the firing ranges. It's an active range so there are periods of nighttime activities and development around it should be well thought out to put no undue burden on the

gun club to control an activity that's been there a very long time. Kyle Holcomb testified that he agrees with the staff report. He has lived on the property since 2012 when he rented it, and in 2015 he purchased it from his in-laws. Their plans include a site-built home.

Stephen McPherson said his only concern is comparable housing; he is not in opposition to their request to develop the property. He clarified that he did not request a restriction on manufactured homes. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to close public testimony. Commissioner Van Beek has no objections to the request and it's restricted tightly by the conditions of approval. Commissioner Dale said this project makes perfect sense and he made a motion to approve the comprehensive plan map amendment from Agricultural to Residential. The motion was seconded by Commissioner Van Beek and carried unanimously. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the conditional rezone from Agricultural to CR- Rural Residential, and to approve the findings of fact, conclusions of law, conditions of approval and order, and to approve the ordinance and the agreement as well. (See Ordinance No. 19-048, Resolution No. 19-163, and Agreement No. 19-185.) The hearing concluded at 1:56 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:08 p.m. at the request of legal counsel. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell, and Deputy Clerk Monica Reeves. Security Director Joe Mueller arrived at 2:38 p.m. Sam Laugheed said they recently received some information that has caused them to believe the Board needs to move to amend its agenda to have an emergency meeting pursuant to Idaho Code Section 74-204. The emergency can be described as notification of a matter that could expose the County to financial, political, and legal liability that they think they can act on quickly if they are able to have some candid conversation and direction with the Board. It involves potential financial loss and the likelihood of damage or loss and 24-hour notice isn't practical because it's understood that this action may have already happened, or is happening imminently, or will happen tomorrow and we don't have the ability to do 48-hour notice. No media have requested we give notice of agenda amendments like this. Commissioner Van Beek made a motion to amend the agenda pursuant to Idaho Code, Section 74-204, for financial loss and exposure to the County, and to conduct an Executive Session pursuant to Idaho Code, Section 74-206(d) and (f), regarding records that are exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek, Dale, and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. The Executive Session concluded at 2:48 p.m. with no decision being called for in open session.

NOVEMBER 2019 TERM

CALDWELL, IDAHO

NOVEMBER 6, 2019

PRESENT: Commissioner Pam White, Chair
Commissioner Tom Dale
Commissioner Leslie Van Beek
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Johnson Controls in the amount of \$1708.71 for the Facilities department

CALDWELL NORTH URBAN RENEWAL DISCUSSION

The Board met today at 8:02 a.m. for a discussion regarding the Caldwell North Urban Renewal Area (CNURA). Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Treasurer Tracie Lloyd, Mayor Garret Nancolas, Attorney Mark Hilty, Attorney Doug Waterman, ElJay Waite, PIO Joe Decker, Steve Onofrei, Rachel Spacek from the Idaho Press-Tribune, Chuck Staddick, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek said she recently met with Mayor Nancolas, Assessor Stender and Joe Cox following a conversation she had with Representative Mike Moyle, who is not in favor of urban renewal (UR) and whose goal is to remove new construction from the tax rolls. At a previous meeting the Assessor and Treasurer raised concerns about the impact of urban renewal (UR) to taxing districts and we had the opportunity to meet with the Mayor three weeks ago where they presented information on the new CNURA, but noticeably missing was the author of that project, ElJay Waite, who is present today to answer questions and present additional information to explain their reason for creating this district and the positive economic impact in development that it would have for Canyon County and the state. Commissioner White asked if she approached Representative Moyle on new construction, and Commissioner Van Beek said yes, and he is willing to meet with the Mayor and the UR board and so that meeting is forthcoming. Mayor Nancolas said this is not the first time there's been an attempt to introduce legislation that would take away new construction, and they choose not to live in fear of that so they move forward knowing it's there. They believe they have managed their existing revenue allocation area (RAA) properly and the results of that have been phenomenal. He said Senator Rice has held up Caldwell's UR efforts as the way to do it and he's in favor of what the city has done, but he is not in favor of any kind of limitation on new construction to the cities. Mayor Nancolas said this is the appropriate time to do the area north of Caldwell. They have been pursuing it for a long time and they have spoken to the County, the highway district, and the school district about their plans for a new RAA. They want to replicate the success of the Sky

Ranch Business Park with the hundreds of thousands of square feet of new manufacturing and industry and the 1,000+ jobs that have been created in that area. The existing revenue allocation area sunsets in two years and so they are preparing for that. Several years ago the city ran water and sewer to Farmway Village who was notified they could no longer discharge water and so the city chose to run water and sewer to that entity so they could continue to survive and serve their patrons. It's a huge investment and they anticipated growth in that area and now they're trying to get a return on their investment. Commissioner Dale said there could be another alternative where we come in the middle with an idea where there could be a good plan for the whole County, not just the City of Caldwell. Commissioner White asked why the city needs another urban renewal when we have the I.C. 63-602NN property tax incentive. Mayor Nancolas said that exemption is not enough to bring businesses here because they are competing with states around us that have all kinds of incentives, but in Idaho all we have are the 602NN exemption and urban renewal. The economic director is constantly getting referrals and there are developers who are always looking but right now we don't have anything to show them, but he believes the new area can produce the same, if not more, than Sky Ranch. Most of the projects are water, sewer, roads, curb, gutter, storm water, etc., and if the infrastructure is there then it has a high chance of success. Assessor Stender said with the 63-602NN exemption the land is not eligible, once the infrastructure is in the improvements would be subject to an exemption. Various boards of commissioners have granted various forms of the exemption for five years anywhere from starting at 100% and ending up at 50% to averaging 75%. There also is an exemption, I.C. 63-602W and it exempts 75% of the improvements. Clerk Yamamoto asked how they arrived at the \$300M number for improvements. Mayor Nancolas said they looked at what developed per acre and based upon that they projected what could be developed out there again. The intent is not create residential, it's all based upon industry. Clerk Yamamoto said he has heard that some of Ted Caldwell's development is to have residences, hotels, and restaurants. Mark Hilty said Mr. Caldwell is the developer of the Canyon Springs RV Park and he owns an additional 40-50 acres near the interchange and he has a plan for 20 acres immediately adjacent to the highway, southwesterly of the interchange and it's essentially landlocked by the interstate and the canal. His plan is to do a multi-family portion and an interchange commercial on that 20 acres, 10 acres of multi-family and 10 acres to have a restaurant, gas station, hotel, commercial uses geared toward interstate travelers. He owns other property that is going to wind up being commercial and industrial so he'd be looking for those types of development. ElJay Waite said he was commissioned by the City to do a study to determine whether there would be enough revenue generated in the RAA to pay for the infrastructure costs that would be required to create the final product. They are looking at using reimbursement agreements to put in infrastructure that would normally be put in before the businesses come to the area. This area has no streets of any consequence except for Highway 20-26 and the freeway. He put together one scenario – and there are many and that's the value of this where the City and County as partners will continue to look at the future and re-evaluate this every year and know which direction they are going and what adjustments they recommend to urban renewal. The value of UR to the County and City is you are not liable for any of the debt they have put into place but you should make recommendations on what the future looks like. Regarding the 75% exemption of the land that Assessor Stender spoke of (63-602W), Mr. Waite said it's a great tool for all land in the County

but it's really a good tool for the lands that are not in UR that don't have any advantages so if that's granted it was because the Board felt the economic return to the County would be so great it'd be worth giving the exemption. He understood Assessor Stender to say the County was concerned that developers might go under water during the recession and they would have to give it up and we didn't want that to happen. He concurs with the Mayor that it's a good exemption that should be looked at, but this area that's been selected is going to be one of the most difficult UR areas to accomplish because of what's there now. It's bordered by a river, it contains a flood plain and it has gravel pits that are completely mined out and others that are going to be under construction soon and an opportunity for developers to buy that does not exist. He was encouraged to know there are huge businesses and industry looking at Canyon County. If we can land one of those in this area because it's ready and they can help put in the streets they will get reimbursed over a 10-yr period. This is a partnership between the City and the County to help direct what comes to this area that will most benefit the taxpayers and help with the economic base with the assessed value base. When the information comes together they will modify how things happen but they cannot modify the plan so they've tried to put everything in the plan that could possibly happen out there so our hands are not tied when it's time to make adjustments. If expectations are exceeded it will open up opportunities for the City and the County to recommend de-annexations or early termination, it just depends on how quickly we can get everything done. Commissioner Dale is a proponent of urban renewal and he spoke of the model used by the City of Nampa where the Vallivue School District opted out and had an agreement whereby they received their portion of that increment every year. Nampa had to revamp and recalculate things and it took a couple years longer but everything was still accomplished. Is that a possibility we can look at here? He proposes we look at an MOU that says 30% of the incremental growth would be guaranteed to come back to the County on an annual basis. Let's come up with a third alternative rather than just approve it whole cloth or deny it whole cloth. Mr. Waite said he looked at that. Canyon County's portion of the \$266,000 in total tax is \$88,597 and that will continue to come to the County. If all taxing districts wanted to be reimbursed a portion of the increment that comes in they would have to go back and review how much longer it's going to take and could they even get the infrastructure built with that. The question would be is there a need to do that with what we're doing. Are the numbers great enough in the taxes that would come in that they couldn't operate without them and this is less than one-tenth of 1% of the area of the values out there of the County so there's going to be considerable growth come in elsewhere in the County so by doing this the way it's presented you make sure it gets done. His question is this: is there a need to have the increment that comes from this that goes from \$88,000 to \$1.9M over 20 years – is there a need to do that if we give up some of the businesses that would come because we don't finish the plan. He looked at that and he chose not to suggest that unless there's a valid reason from the taxing districts as to why they would need it. Commissioner Dale said he is not proposing 100% of that area but just that portion and it would not prohibit the UR agency from completing the infrastructure projects that have been outlined. It might take a little longer for the reimbursement back to the developer but the money would still be there, it might just take an extra year. Mr. Waite said the estimated project costs are not completely paid off during the 20-year period so they have to show they are going to have \$20M of the project costs are not going to be funded during this period of time.

Because of inflation on those project costs as we do them later on in the year. If they were going to have them done beforehand that is the time to say how do we do this reimbursement from urban renewal – can it come through taxes or does it have to come through de-annexation of parcels that have been annexed into the city. That won't happen for 10 years unless they get a major player to come and that's why this is such a valuable partnership. They could de-annex properties once the projects are paid off, or terminate the agency earlier if everything is done. Commissioner Dale said he's looking for a way to make assurances to taxpayers that the County is going to win on this too. Commissioner Van Beek asked the Mayor to address the changes in the legislative structure for urban renewal. Mayor Nancolas said under the new UR laws once you've established and adopted a plan if you try to amend the plan or budget it resets the base so that is the incentive for UR to follow the plan specifically because if you reset the base most likely you destroy the ability of the plan to be completed. The difficulty that comes from some of that is the intent of UR has been that it's a reallocation of property taxes that go into that area so that at the end of the day the projects are accomplished and everybody wins. When they started the RAA Caldwell's assessed value was \$660M, the area within the RAA was approx. \$16M. Caldwell was not growing so they put together a 15-20 year plan to address that. No more than 10% of the assessed value of the municipality can be within the boundaries of the RAA which still applies. The existing area plus the new RAA cannot exceed more than 10% of Caldwell's assessed value which they have met. The existing RAA has grown from \$16M to over \$500M which is amazing and that all comes back as new construction. The rest of the city has grown from \$660M to \$2.5 billion during that same period of time so the taxing districts also received the same levy rate from that growth that the city did. If we do this the way it's prescribed it is win-win for all of us. If we take any piece of this out and we are not able to complete the list of projects then what are the consequences of that? The projects and revenue allocation are based upon this being completed in 2019 and in order to do that we have to have approval by city council before the end of the year and because of notification requirements that clock is ticking and we are nearing past the time. He hopes the County approves this in the next few days, but if that doesn't happen then all of these numbers are skewed and they will have to redo everything based on what 2020 would be. Clerk Yamamoto spoke about how he is not a fan of urban renewals – he looks at it strictly as what are we doing to taxpayers who are on the hook with no vote. He said the Commissioners are the final word for the taxpayers of Canyon County and if they approve this they are committing to 20 more years of projects being funded with no vote. There was discussion regarding tax shifts and in response Commissioner Van Beek said government exists to do for citizens what they cannot do for themselves. We have economic development coordinators who are skilled and garnered national recognition for bringing business to Caldwell so whether we provide economic development with jobs that pay so those people don't have to be subsidized that's the real question. The shift will come, we're not going to stop the people or build a wall, they are going to come to this area because it's desirable and when we provide the kind of economic development that Caldwell is willing to be a forerunner on then we can say the tax shift has gone to the developers. Mayor Nancolas said Caldwell's levy rate has gone from 130 mils to 78 mils and during the same period of time, according to Department of Commerce, Caldwell's average household income has gone from the low \$30,000's to the low \$40,000's and that's a big deal. We cannot control if a house goes for

\$225k to \$250k, that's the market, but what we can do is bring new business to an area that has the tax base that spreads it out. It's a return on investment and that's what urban renewal does, it works because it brings the kind of businesses that don't consume services to help build roads and water and sewer by new growth through those dollars. You have \$88,000 in revenue coming from the area now and if we do nothing that will be the same thing with inflation because those rock pits aren't going to turn into anything. The goal is to take an area like this and turn it into something that helps reduce the levy rate. Zach Wagoner said the properties within this proposed RAA will be entitled to County-provided services and those who live within that area will receive services but the tax they pay will be diverted to the urban renewal agency. There are professional firms that evaluate the cost of growth and we've had conversations with those firms – they analyze the true cost of growth and they move that into a cost of providing services. As the area grows the cost will grow and so what can the County do to recoup some of those increased costs – what examination and evaluation has been done to look at what are the increased service level needs and costs associated with this growth over the next 20 years? Mr. Waite said the County is currently servicing that area with \$88,597 so that may not be enough for what's out there because it is very high value. He said Mr. Wagoner has just highlighted that if you can show your costs have increased because of what's out there/what's coming than that's the perfect thing to take to UR and say what is the vehicle we can do to cover this and if it's de-annexation of a property than you could get that on your books. You have to be sure on your costs and he believes Mr. Wagoner could do that, and then go to the agency after the growth starts to come then address that issue. Commissioner Dale asked how we can guarantee we're going to have de-annexation. Mr. Hilty said you can modify your plan to retract the allocation area. Commissioner Dale would like to get that in writing before we approve this district. Assessor Stender said the plan includes a couple of building projects for \$12M and an above ground parking structure for \$7.4M. Mr. Waite said those are unfunded projects; there are \$24M of projects that won't get done and those are two that don't get done. They don't have any impact on the feasibility study of the plan because there's no funding the way it's put together. Mr. Hilty said the new legislation requires that you articulate your plan with some specificity including costs and it also resets your base assessment roll if you modify your plan so they are having to look at the 20-year horizon and think expansively and creatively about what uses might be needed. Priorities were given to infrastructure, but they cannot perfect forecast revenues or timing of development and so they wanted to make sure they weren't 10 years down the road needing something they didn't have in the plan. The current plan is grandfathered and was adopted prior to some of the change in the law. They have some projects in there that are probably unlikely and didn't factor into the feasibility study. Assessor Stender said we are designing this new RAA to be commercial/industrial in nature so if you were to come up with enough money to build it where would a parking structure go out there. Mr. Hilty said there are 850 acres, and they are trying to recreate a broad urban renewal area. There are lots of locations where it could go, it could be a revenue source for UR and economic development in the future, it could be near the interstate, help facilitate traffic in and out of the area, could be shared by businesses. They don't know the details but they know if it's not in their plan they won't have the option to consider it later. There are permitted amendments to the plan but you are not permitted to add projects, you are permitted to de-annex the area. Treasurer Lloyd said the levy

rates listed in the documents are not 2018 or 2019, but instead they are 2017 levy rates. Also, she's not sure where the .0125 number has come from. Mr. Waite said as he looked at the levy rates he compared what they could use and he came down to 125 mils as a levy rate he would use for consistency as the assumed levy rate in the feasibility plan. It's going to be different than that year by year, but we have to start somewhere. He wants to make sure the levy is what it needs to be so that the Treasurer's comments are helping make this right. It's assumed at 125 mils throughout the whole plan but it will change because of what happens. Commissioner Van Beek said we have impact committees that assess the need for additional services which should be paid for by the growth that's generated by economic development so that is a vehicle that's already in place to assess the need for additional services where growth is happening but that's not something this Board has jurisdiction over. The mentality today is that we are not going to supersede personal property rights when it comes to development of land. Mayor Nancolas addressed why park improvements are important for this UR. Part of what they tried to do is to include the taxing entities in discussion and in this area there are state properties – the Caldwell ponds – that are underutilized. There is aeration that needs to be done, docks to be redone, ADA accessibility and parking lot improvements that need to be done so they had conversations with Fish and Game and the State of Idaho on how to turn these state entities into an amenity that would attract businesses but also be a benefit to the County as a whole. They invest to encourage investment from other entities, the private sector. He spoke of the park amenity at the Sky Ranch Business Park which is an incentive for employers when choosing a location. Commissioner Van Beek said she has enough information to support the plan, the RAA. It's a well-developed plan and it takes long-term visionary thinking which Caldwell has done. (Assessor Stender left at 9:52 a.m.) Mr. Hilty would like the County to support the plan the way it is; there might be some level of trust in what Mr. Waite is saying about future consideration of looking at County costs and de-annexation and what that might do to your budget and so forth but UR is an investment and we don't make an investment and be kept whole. Page 14 of the feasibility study talks about the changes in potential revenue in the area, and we've looked very closely at this area for a long time – it is very near historic downtown Caldwell and it's never developed and the impediments to develop in that area are very real and it's why it hasn't changed. It will take UR to see this area develop. He hopes the Commissioners are not looking at the bottom box on page 14 of the plan and saying gosh there will be \$2M in annual tax revenue in 2040 and saying do we really have to reallocate all this money. He hopes they look at it from the perspective of what happens if we don't have an URA, and do you stay at the \$88,000, does what's happened out there continue to be the case and do we have residential pressure for low-density residential in an area where we have identified hope for commercial and industrial growth that doesn't require the same level of County services. The tax base will grow and it could become very valuable. With the URA you will see growth over time that will probably exceed the growth you'd see without the URA. Even if they don't carve out a portion to pay back to the County, you will see a benefit because that tax base will grow. Commissioner Dale said he's in favor of this urban renewal district, but the question he comes back to is we are still in this two-alternative world, and there's a third alternative where the urban renewal district can do all the projects they are proposing to do and win. Perhaps the de-annexation idea is a more feasible way than carving out a piece of the increment to return to the County, maybe that's not the best way

to go about it but perhaps the de-annexation of a portion of that district as it gets annexed into the city is the way to go and then we both win. He doesn't think we have to say we'll adopt it whole cloth; there is the middle ground where everybody wins and we need to explore that and determine what kind of language needs to be in the document as we approve it, if we approve it, that says "as properties are annexed within the city they will be de-annexed from the revenue allocation area." That does not change the plan dramatically, it would alter some of the financing timelines. He wants that guarantee within the document as we move forward with it. Mr. Waite thanked Treasurer Lloyd for bringing the levy amount earlier, and he noted that they started this in 2018 and he did the schedule back then and forgot to change it when we went into 2019 so there's a casualty for delaying. He understands Commissioner Dale's point but they don't know how to do that yet, it would take months to figure out because the suggestion of de-annexing once they are annexed the city takes on the costs for that area so the County doesn't have any more costs out there. If there's a way they need to figure out what the real costs are and then take that to urban renewal when it happens and let those reasonable people adjust it. Commissioner Dale doesn't think that will take months, it could be done in a short period of time. Commissioner Van Beek said the City has developed something that is going to work because they already have past success with the Smeed Parkway area, and tomorrow the Board will have the ability to vote on it and she plans to vote yes on the plan. Mayor Nancolas said the City has followed the law and put two years' worth of work into this and have based it on experience of a successful plan. They think it has value and they will do their best to make it succeed and work with the County. He spoke of the City's partnership with the County and said they have plans to hopefully do something with the jail at some point. A large part of Caldwell's revitalization and survival is due in large part because of urban renewal that was put together 20 years ago and he thinks they can do it again. Commissioner White thanked the group for the good discussion. No Board action was required or taken. The meeting concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 7, 2019

PRESENT: Commissioner Pam White, Chair - out of the office
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Mountain Home Auto Ranch in the amount of \$95,529.00 for the Fleet department

APPROVED CLAIMS ORDER NO. 11/8/19

The Board of Commissioners approved payment of County claims in the amount of \$29,550.06 for accounts payable.

APPROVED CLAIMS ORDER NO. 2003

The Board of Commissioners approved payment of County claims in the amount of \$1,633,966.41 for a County payroll.

MEETING WITH FAMILY COURT SERVICES MANAGER TO CONSIDER SIGNING ADOPTION DAY PROCLAMATION

The Board met today at 8:32 a.m. with the Family Court Services Manager to consider signing the Adoption Day Proclamation. Present were: Commissioners Tom Dale and Leslie Van Beek, PIO Joe Decker, Family Court Services Manager Mary Hoffman, Other Family Court Services employees and Deputy Clerk Jenen Ross. Mr. Decker explained that the signing of this proclamation has been done for the last several years and coincides with adoption month. Adoption Day be celebrated on November 22nd. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the Adoption Day proclamation. The meeting concluded at 8:35 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:48 a.m. to consider indigent decisions. Present were: Commissioners Tom Dale and Leslie Van Beek, Indigent Services Director Yvonne Baker, Case Manager Terri Salisbury and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2019-1461, 2019-1462, 2019-1216, 2019-1454, 2019-1445, 2019-0128, 2019-1321, 2019-1463, 2019-1464, 2019-1444 and 2019-0071. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Commissioner Van Beek made a motion issue an initial approval on case no. 2019-1453 with a written decision within 30 days. The motion was seconded by Commissioner Dale and carried unanimously.

The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER INDIGENT MATTERS

The Board met today at 8:51 a.m. to consider indigent matters. Present were: Commissioners Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Terri Salisbury and Deputy Clerk Jenen Ross.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue final approvals with written decisions within 30 days on case nos. 2019-1062, 2019-1066 and 2019-1047.

Commissioner Van Beek made a motion to continue case no. 2019-1052 to January 2, 2020. The motion was seconded by Commissioner Dale and carried unanimously.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to place case no. 2019-1034 into suspension pending a resource.

Commissioner Van Beek made a motion to uphold the initial denials on case nos. 2019-969, 2019-970, 2019-971 and 2019-1200. The motion was seconded by Commissioner Dale and carried unanimously.

The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1067

The Board met today at 9:06 a.m. to conduct a medical indigency hearing for case no. 2019-1067. Present were: Commissioners Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Case Manager Terri Salisbury, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Lukes, Michelle Davis for St. Lukes, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale, the Board voted unanimously to approve the case. The hearing concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-993

The Board met today at 9:46 a.m. to conduct a medical indigency hearing for case no. 2019-993. Present were: Commissioners Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Case Manager Terri Salisbury, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Lukes,

Ashly Hesteness for St. Lukes, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale, the Board voted unanimously to approve the case. The hearing concluded at 10:05 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1221

The Board met today at 10:09 a.m. to conduct a medical indigency hearing for case no. 2019-1221. Present were: Commissioners Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Case Manager Terri Salisbury, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Lukes, Michelle Davis for St. Lukes, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Dale, the Board voted unanimously to approve the case. The hearing concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1097

The Board met today at 10:17 a.m. to conduct a medical indigency hearing for case no. 2019-1097. Present were: Commissioners Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Case Manager Terri Salisbury, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for St. Lukes, Dahlia Torres for St. Lukes, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to continue the case to December 15, 2019. The hearing concluded at 10:24 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-927

The Board met today at 10:27 a.m. to conduct a medical indigency hearing for case no. 2019-927. Present were: Commissioners Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Case Manager Terri Salisbury, Deputy P.A. Jim Cornwell, Attorney Mark Peterson for West Valley Medical Center, Andrew Lacayo for West Valley Medical Center and Deputy Clerk Jenen Ross. The applicant did not appear. Upon the motion of Commissioner Van Beek and second by Commissioner Dale, the Board voted unanimously to take the case under advisement with a decision to be rendered within 30 days. The hearing concluded at 10:52 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 10:56 a.m. to consider indigent matters. Present were: Commissioners Tom Dale and Leslie Van Beek, Hearing Manager Kellie George, Case Manager Terri Salisbury and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared on the following cases: 2019-1026, 2019-1114 and 2019-1014. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to issue final denials with written decisions within 30 days on the cases as read into the record. The meeting concluded at 10:57 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 11:06 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Tom Dale and Leslie Van Beek, Assessor Brian Stender, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Controller Zach Wagoner, Deputy P.A. Zach Wesley, ElJay Waite, Reporter from the Idaho Press, Chief Deputy Sheriff Marv Dashiell and Captain Daren Ward arrived at 11:30 a.m. and Deputy Clerk Jenen Ross.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Note for the record: As properly noticed the Board met today at 11:06 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 11:08 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Controller Zach Wagoner, Assessor Brian Stender, Treasurer Tracie Lloyd and Deputy Clerk Jenen Ross. The Executive Session concluded at 11:27 a.m. with no decision being called for in open session.

After the executive session Zach Wesley said there are three documents on the agenda today for consideration which should be taken in the order as follows:

1. *Action Item: Consider signing resolution declaring that certain property within the county is deteriorated and deteriorating, declaring a need for the Urban Renewal Agency of the City of Caldwell, Idaho to extend its area of operation beyond the boundaries of the City of Caldwell, Idaho and into unincorporated Canyon County, Idaho: This would adopt the area as indicated on the map provided by the City of Caldwell and adopt the determination by the City of Caldwell that the area is deteriorating meaning that it falls within the urban renewal law to create that area.*

2. *Action Item: Consider signing an ordinance providing for the transfer of powers necessary for creation of an urban renewal plan and revenue allocation area located partially within and partially outside the City of Caldwell, Idaho and approving execution of the intergovernmental agreement for roles and responsibilities under Idaho Code §50-2906:* The county has, in the urban renewal act, its own independent authority to create an urban renewal area. The ordinance would formally transfer the county's authority to the City of Caldwell for this area for the purposes of both mapping and managing the area and then collecting the incremental tax.
3. *Action Item: Consider signing intergovernmental agreement for roles and responsibilities under Idaho Code §50-2906:* The intergovernmental agreement outlines the plan and how the relationship would operate. It also readopts the maps that indicate the areas in need of urban renewal and the City of Caldwell/Urban Renewal Agency's proposed plans for that area which includes the feasibility study and the projects that are planned out over the 20 year period in the study.

Mr. Wesley's advice would be to sign all three documents at the same time as they are all interrelated, overlap and rely on each other.

Chief Dashiell stated that the email sent by the Sheriff offers his position and did not speak on the Sheriff's behalf.

Treasurer Lloyd clarified from yesterday's meeting that the information within the proposed plan contains some inaccuracies. In one section it states the levy rates are from 2018, in another area it states they are 2019 but the levy rates listed within the documents are in fact 2017 levy rates which would affect much of the information and/or predictions that are outlined within the document. That is her biggest concern, that there are some issues within the document itself that are inaccurate and she feels it would be inappropriate to adopt something that is clearly incorrect. It is not transparent to the taxpayers. Ms. Lloyd noted that Mr. Waite acknowledged in yesterday's meeting that because this document has been worked on since 2017 that some information could be inaccurate. Nothing is saying it can't move forward at a later date but why not have an accurate document to review?

Mr. Waite stated that there will be a text revision because this is not the only inaccuracy that was found by the attorneys when they went thru everything. Nothing is material in nature that can't be fixed in the final document. There will be a text amendment that's sent to city council that approves and notes all of the changes. The document will reflect the proper levy rates when it is final with all the adjustments that come in.

Assessor Stender said his interest in this plan relates to local property taxes. His office receives a high volume of complaints that local property taxes are taxing owners out of their homes. Governor Little has put together a property tax working group to review potential changes to local property tax, the way they budget, whether they get new construction, or a standard 3%. He

is concerned that this plan might redistribute some of the taxable value for 20 years. He would hope to see some of it returned earlier to the base to help lessen the burden to our citizens for local property taxes. He's doesn't have a staunch position against urban renewal, it has its place and time, but with the uncertainty of what the legislature might do, no one really know for sure until it's done. He'd like to see all options that would help our local people keep their homes and not have to sell to move someplace with less expensive taxes. Many of his questions and concerns have been addressed.

Zach Wagoner said his thoughts are towards our current property taxpayers. We have an obligation and responsibility to help protect our current property taxpayers and keep property tax burden as light as possible. As this revenue allocation area begins to grow, there will come with that growth an increase to demand, need and cost for services. Adding half a billion dollars of value 20 years from now, commercial/industrial value, that's great for the community but what do we do in the meantime over the course of those 20 years to account for the increased cost of services. He thinks there needs to be some recognition, some thought given to, over the course of those 20 years how do we allocate revenue, how do we capture monies to offset those increased costs to providing services, to provide property tax relief to current residents and property taxpayers?

Clerk Yamamoto said he believes the taxes are high now, too high now, and this plan will raise taxes. He believes one of his jobs as the Chief Budget Officer is to try to protect the taxpayers of Canyon County. This Board is committing the taxpayers of Canyon County to a 20 year plan, he has an issue if that was to be done with two Board members, excluding one. He thinks this should be done with all three Board members and all three on record.

Commissioner Van Beek spoke about information that was received "late in the game", called 'Section 1000: Procedure for Amending and Updating the Plan', this document was created in response to a request for changes that would help mitigate some of the concerns that were raised by Commissioner Dale and others in the meeting yesterday. Commissioner Van Beek referenced the following portion of the document:

The Commissioners of the Urban Renewal Agency shall in good faith consider a request to de-annex a portion of the revenue allocation area under the following circumstances:

- a) The request is made by a taxing district affected by revenue allocations*
- b) The taxing district demonstrates an inability to adequately meet the needs of new development in the revenue allocation area due to the reallocation of tax dollars*
- c) Property for proposed de-annexation has been substantially re-developed*
- d) The terms of any tax reimbursement agreement have been performed; and*
- e) De-annexation of the property will not substantially hinder further implementation of the Plan and Projects*

The Plan may be further modified as allowed, either now or in the future, by the Law and the Act, as they may be amended.

Commissioner Van Beek continued on stating that some of the concerns that have been raised are the cost of increasing services to that area and she believes the statements by the Urban Renewal and the City of Caldwell to evaluate those costs when you bring in services but the commercial and industrial sector, historically, demand less than the residential portion.

She addressed the concern that always comes up regarding tax shift stating that 20 years ago the residents of the county were bearing most of the burden for taxes and when the Urban Renewal District was created, and the current RAA area to be more exact, that shifted the tax burden from residents carrying that greatest portion of that to the commercial and industrial section now carrying that tax burden. With that \$450M added to the tax base it helps take away some of the burden just to residents and she noted that with the creation of that revenue allocation area it has added 1000 jobs to the county, it has been a very good thing for the citizens of Canyon County thanks to their visionary leadership. The area in question has been identified as an area that has struggled to garner any attention and it is an area that we have people that are good at what they do that will bring potentially millions of dollars' worth of commercial and industrial investment to this. She is not an urban renewal expert but that this group is and historically they have demonstrated an ability to use this tool correctly in bringing economic development to Canyon County. It's been recognized by the State of Idaho and the Idaho legislature as the way to do it. There are other cities and leaderships that have abused it and it's her understanding as to why they've been reactionary. In asking for an amendment to the documents that were provided she believes that the document produced by Mark Hilty and the urban renewal group will satisfy, they have proven to be true to their word and full of integrity. They are partners of the county and she has a high level of confidence in their ability to carry thru. She also addressed that the area being talked about, the 947 acres, currently has an assessed value of \$21M and an annual revenue source to the county of \$88K. At build out in 20 years with that kind of vision, the tax assessed base would be at \$458M with a return to the county of just under \$2M and she believes, as District I Commissioner, that it would help lower the levy rate and provide some tax relief in addition to jobs for citizens that are coming. To be able to provide jobs that are higher than retail paying jobs is just a different way to look at not subsidizing the people that are coming to this area. She appreciates the information that Ms. Lloyd has put on the record and Mr. Waite's response that there would be some forthcoming changes to that. As far as controlling costs she believes that the county still has an obligation to evaluate the level of service and how that budget breaks out, 70% of our budget goes to salaries for county employees, and she is for paying employees well but cost containment on that is still a good thing to look at in providing services. This plan will provide jobs for more than just Caldwell and Nampa, it will be an addition of a lot of square feet of commercial and industrial space and the creation of parks where people can recreate and enjoy working and living. She is still in favor of this. She did receive a call from Chairman White who indicated that Commissioner Dale and she were competent to make a decision on this. She appreciates that and understood Commissioner White

to be available by phone should it come down to a split vote. She believes in this plan and will support this plan.

Commissioner Dale said he agrees with Clerk Yamamoto and is disappointed that Commissioner White it out ill today but that she really needs to be in on the discussion and vote. It sounds to him like there are still some issues that are outstanding and need to be settled before the final documents can be signed. He stated that his track record shows that he is a proponent of urban renewal districts. Nampa has used urban renewal districts and revenue allocation areas which have been great advantage for the City of Nampa and the residents of Nampa. You don't need to convince him of the value of urban renewal districts and he really likes the visionary plan that's been presented on this new revenue allocation area; that area clearly is going to need some kind of boost in order for it to develop and urban renewal is one of very few tools that cities and counties have available to them to really give an impetus for accelerating the positive change that can occur in these areas. There is no question on his record or in any of his statements that he's in favor of urban renewal districts when they are used properly and he thinks this one lays out a really good plan for property. That being said there are some issues that he does not believe have been adequately answered. He thinks the document from Mark Hilty is a good start on a discussion that needs to take place about how can we protect our taxpayers and make sure that down the road as these areas develop that the county will have a guarantee of being able to count on a portion of that incremental tax revenue for the purposes that the county has statutory obligation to perform. In regard to the cost of services in that revenue allocation area, it occurred to him that the cost of the growth that that will spur is not restricted to that area. We know that residential properties do not pay their own way as far as the services that they demand. The difference is made up by commercial, industrial and non-residential tax base which is why he is such a proponent of economic development and urban renewal districts spurring that economic development. He wants this urban renewal district to go, it is a good thing for County and the City of Caldwell.

Sheriff Donahue was not able to make this morning's meeting as he had to attend a meeting in Boise. Commissioner Dale read portions of the email sent by Sheriff Donahue into the record as follows:

"I cannot express to you strongly enough that I believe you are acting in far too much haste in considering signing an agreement with the City of Caldwell on new Urban Renewal District. This matter had NOT been vetted with ALL of the elected officials of this county and that is critical before any decisions be made on a matter such as this that affects far more stakeholders than the three of you. And I can assure you my position as Sheriff does play a role in this discussion. To the best of my knowledge the actual Urban Renewal Board has not reached out to the elected officials as a whole. Rather, you have had a meeting with three individuals from the City of Caldwell who have their own agenda. This matter on your agenda today should absolutely be tabled and held until we as primary stakeholders (elected officials) who are committed to protecting the interests of our county citizens have a chance to discuss it thoroughly."

Commissioner Dale went on to say that he really likes the plan, that it's a good plan, it's got some really good stuff in it but he wants to be as unified as possible as it moves forward. He appreciates the Clerk's comments about Commissioner White not being here. He really feels these things need to be vetted out and have a full discussion. He understands that there is a timeline because the urban renewal district wants to get this on the books before the end of the year so they can capture the base that was established in January of 2019. He has looked at the values in that area, they have not been growing as has been pointed out in the document. That's a stagnant area, values are not appreciating as rapidly as they are in other areas of the county. It would mean a readjustment of some of the figures but he doesn't think it would be that dramatic if we're not able to get this accomplished by the end of the year.

Commissioner Van Beek said it is the Board of County Commissioners that will be signing the documents, which clearly falls under their purview. While she appreciates the letter that was read into the record she takes issue that the Board is acting in far too much haste. In September of this year legal provided those documents for review, on October 15th she was the only county elected official that attended the open meeting before the planning and zoning board where Mr. Waite presented the feasibility study. There are some numbers that have been updated and that this process has been a continuation since 2017. This is a document that has been in the works, it was published in the Idaho Press Tribune, it was addressed at the State of the City by Mayor Nancolas, it's been brought before this board in open meetings many, many times with opportunities for any elected official, any member of the community, anybody who wanted to come evaluate this as the potential benefit to the community that it would be. This is under the purview of the Commissioners, they will be the ones to sign these documents. She also does not see that the oneness is on the Urban Renewal Board to reach out and contact each elected official because the Board continues to post their agenda in a lawful manner as prescribed and laid out and people are welcome to attend.

In response to a question from Commissioner Van Beek, Mr. Waite said the timelines can be obtained thru the city's attorney, Mark Hilty. He would be able to provide a 'drop-dead' date of when the documents would need to be signed so they have proper notification. Mr. Waite said they could have a meeting as late as December 31st to finish this up but that really pushes the issue.

Commissioner Van Beek proposed to set up another meeting, recognizing the timelines, to have Mr. Hilty provide his legal opinion on the new language on this procedure for amending and updating the plan and then have Mr. Waite provide information on the 6 or so items he noted need to be revised in the documents. The documents would then need to be reviewed by the Treasurer and Assessor to try to mitigate some of the concerns that are out there. She believes with good and accurate information, with a lot of transparency to the taxpayer – the benefits to the citizens of Canyon County will overcome the obstacles of the things being talked about and especially with it being driven by the Urban Renewal Board and the City of Caldwell. They have been good partners and have provided great benefit to this community because of their visionary leadership. She asked if Commissioner Dale would entertain approving this based on conditions

and having Mr. Hilty come back to talk about the amendments. This would also allow for other elected officials to attend the meeting and have any questions addressed.

Commissioner Dale said although he appreciates Commissioner Van Beek's comments he is not willing to approve anything where he hasn't seen the conditions outlined. He thinks the language from Mr. Hilty is a step in the right direction but that county attorneys need the opportunity to work thru that with them so that there is a true negotiation going on. There is no doubt in his mind about the good intentions and the integrity of the leadership in the City of Caldwell, he has long-standing respect for the Mayor and City Counsel - they've done miraculous things in the city with the Urban Renewal dollars that have accrued from the first district. They have been very generous with the county in apportioning those dollars to help with the Administration Building and their ongoing wishes to continue to use those dollars that would normally come to the county for county projects. That being said, 10-15 years from now that will most likely be a different group of people and getting things in writing is the only way to ensure, for the long-term, that those interests that are being met now are ensured. As we grow larger and things get more sophisticated in our community, things need to be in writing, which is what he's asking for. As far as financial approval, the budget and those sorts of things, he said the buck stops right here at these three chairs but the other six elected officials should be listened to and his desire would be to have everyone come together on all the issues that involve everyone and tax dollars is something that affects every elected official in the county. He think there needs to be a little closer agreement as to what the document looks like. He reiterated that it's a good plan, he like urban renewal district in this area, it really has addressed specifically what urban renewal is supposed to do which is address plight and encourage economic development. He is willing to sign off and get this going once those questions are answered.

Commissioner Van Beek spoke about the meeting that took place earlier in the week where Mr. Waite addressed the new structure of the urban renewal guidelines and how it makes them live within very tight constraints so that the program continues in perpetuity. There are boundaries put in there that allow that to go forward without the kind of turbulence that a change in a Board or a change in an Urban Renewal Board would generate. The guidelines that are in place for urban renewal mitigate and overcome the obstacles of what we're talking about, it sounds like saddling the county, and I think that is the wrong way to see it.

Commissioner Dale agrees, whatever is in that document will be what's followed which is why he wants the assurances to be in the document. Right now he doesn't feel there are any assurances in the document that the county would get the money that the City of Caldwell and the Urban Renewal Board has generously accorded to the county in the later days of this present urban renewal area. Commissioner Van Beek believes this is because it's dependent on the current economic climate and that's volatile. The request from the Mayor is that we submit a qualifying project while there is money in that area.

Commissioner Dale would like to see another meeting as soon as possible, one that all three Commissioners can be present for and in the meantime maybe more of the potential assurances can be worked thru.

Zach Wesley clarified that his understanding is that the Board is requesting their legal counsel reach out to legal counsel for the city to figure out what the confines or potential options would look like and then reduced to a point in writing where they would be sufficient for this Board to discuss them with the City of Caldwell or the URA counsel/consultants. He believes there needs to be a little bit of time to get some ideas laid out before this is put back on the agenda so that we don't continue to have the same conversation. Mr. Wesley said he would reach out today to initiate conversations.

Commissioner Dale made a motion to continue the meeting to a date to be determined based on information from legal counsel. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 12:07 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 8, 2019

PRESENT: Commissioner Pam White, Chair – out of the office
 Commissioner Tom Dale – out of the office
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 11/8/19

The Board of Commissioners approved payment of County claims in the amount of \$116,872.58, \$57,704.72, \$12,807.00, \$39,113.12, \$20,547.92 and \$234,593.05 for accounts payable.

No meetings were held today.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 12, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 11/18/19

The Board of Commissioners approved payment of County claims in the amount of \$379.50 for accounts payable.

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Gino Furiani, Alex Brockman, Chelsea Baguley and Dave Duncan.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Amsterdam Lounge to be used 12/7/19 for a Christmas party.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- HP, Inc. in the amount of \$1514.68 for the Information Technology department
- Able Zebra Communications in the amount of \$1923.75 for the Sheriff's Office
- Staats in the amount of \$3092.05 for the Fair
- Rodda Paint in the amount of \$10,850.00 for the Facilities department
- Plumb Master in the amount of \$4000.00 for the Facilities department
- 1000bulbs.com in the amount of \$1746.50 for the Facilities department

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

The Board met today at 8:34 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, IT Director Greg Rast, Assistant Director of IT Eric Jensen and Deputy Clerk Jenen Ross.

The Board was updated on the following:

- They are continuing to work with Parks Director on a remodel at the Lake Lowell office and some items at the museum. There have been some overflow issues at the museum so they are going to try to get TV displays in both areas when they have presentations.
- Three IT team building events took place in October at Lake Lowell
- Director Rast takes part in a meeting every Monday with Captain Ward and Rick Britton regarding Pod 6 until the project is complete.
- With their new person starting on Monday, November 18th all of their positions are now filled.

- Several projects are getting ready to be closed out. Commissioner Van Beek noted her appreciation of the close-out reports and hopes something similar can be implemented county-wide for the comprehensive plan.
- Director Rast is working closely with Director Mueller to find areas IT can assist.
- Mail and the phones will continue to be up and running for all the holiday appreciation days since the Clerk's Offices will be open. The business office team has coordinated their schedules in order to cover.
- The Public Defender would like to put a kiosk in the Sheriff's Office in order for people to fill out forms if they need Public Defender assistance. IT can do the work but will need approval from the Board, Sheriff and assistance from Facilities.
- A commitment date has been received from CenturyLink for Weed and Pest to start in February so by the spring it they should be up and running.
- Discussion ensued regarding a battery back-up system and the new dispatch system in the Sheriff's Office that was recently installed.

The meeting concluded at 8:53 a.m. An audio recording is on file in the Commissioners' Office.

AMEND AGENDA TO INCLUDE LEGAL STAFF UPDATE AND CONDUCT EXECUTIVE SESSION

The Board met today at 9:04 a.m. with legal counsel. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. Mr. Wesley informed the Board that there are some matters this morning that he needs to discuss that are relevant to today's calendar, and he learned Commissioner Dale isn't going to be available for today's legal staff update at 1:30 p.m., so he asked the Board to amend the agenda to add a legal staffing for now, at 9:05 a.m., pursuant to Idaho Code, Section 74-204. He also asked the Board 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. Commissioner Dale made a motion to amend today's agenda to reflect legal staffing at 9:05 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Van Beek made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Dale, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale, Leslie Van Beek, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:20 a.m. with no decision being called for in open session. An audio recording of the open portion of the discussion is on file in the Commissioners' Office.

PUBLIC HEARING – TRENT WHITE’S APPEAL FOR A VARIANCE, CASE NO. ZV2019-0001

The Board met today at 9:32 a.m. to conduct a public hearing in the matter of an appeal by Trent White for a variance of the 20 foot rear setback for a pool that has been constructed. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Planner Jennifer Almeida, Todd Lakey, Trent White, Tonya White, Kristoffer Sperry, Gordon Hansen, Diane Hansen, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The applicant is requesting approval of a variance of the 20-foot rear setback to accommodate the pool that’s been constructed on the property line and was constructed without any building permits. The applicant is requesting the variance to allow the pool to stay in its current location on the property. If approved the applicant will have to obtain a building permit and a mechanical permits, if required. The P&Z Commission recommended denial of the request. Todd Lakey testified on behalf of the applicants. The majority of the P&Z Commission wanted to approve this application; two hearings were conducted and after the first hearing they told the parties to work out the fence issue. They walked the property and determined the old fence and the new fence with the pool were within the string line on the property. The Hansens suggested the Whites cut 3 inches off their walkway around the pool and the Whites agreed to that as well as move a flush pipe from the back of the utility shed to the other side. That agreement was later rescinded. It was presented to the P&Z Commission and they started with a motion to approve and it resulted in a 3-to-3 vote. There was a subsequent motion to deny the application but it failed 4-to-2. His impression is a number of commissioners who voted against the approval felt like there were too many conditions, the fencing was too onerous. The property line is not the issue; the variance simply allows for the Whites to build within their own property within that setback and then they have to pursue a building permit application which provides a more detailed review and compliance with the code. The property line has been the main issue with the Hansens. They watched as the Whites and their children worked on the pool, no objection was raised until the walkway was done around the pool. There is no demonstrable harm to the neighbors’ field or their home which is 225 yards to the north of the pool. They are simply seeking approval to pursue a building permit. According to Mr. Lakey they addressed the Hansens concerns but they changed their agreement so they are here today. The P&Z Commission’s intent was to approve, 5 of the 6 commissioners wanted to approve the application but they could not reach a consensus on the conditions of approval. Trent White testified he was not aware a building permit was required, nor was he aware of the 20-foot setback requirement. We discussed this with Gordon on the fence line and they agreed to measure off the fence line. He stayed farther than the 5 foot distance. The pool wall is 6 feet from that property line, from the fence and everything was fine. More discussions followed and then Mr. Hansen got upset. The pool has been in the ground for 2 years. The distance from the field fence to the wrought iron is at the narrowest spot, 3 inches from the string line at the closest spot. Tonya White gave testimony regarding the structure of the pool. She said it didn’t seem to be an issue with the location or the proximity to the property with the Hansens until the last foot was poured to anchor the fence. She said there is no way to alter the shape or size of the pool without demolishing the pool. Kristoffer Sperry represents the Hansens, and he believes the Whites are

trying to use the Hansens as an excuse as to why the variance should be permitted. There are only three considerations in this case: 1) will granting the variance be consistent with the comprehensive plan; 2) do characteristics of the site create an undue hardship; and 3) is the variance in conflict with the public interest. It's not whether they had tacit or explicit consent from the neighbors to build this pool within the setback. If we were here prior to the pool being built there would have been multiple options for the Whites to build this pool that would meet the setbacks. They have not shown the current location is a result of an undue hardship. The extraordinary difficulty or expense is not the removal of the pool - that is not an undue hardship. The correct analysis is whether the land itself creates this undue hardship which the Whites have failed to show. Deference should be given for the use of agriculture and this pool, there is some dispute as to where it lies and that it's on or across the boundary line of the Hansens. His clients have no objection to the Whites having a pool, they just want it within the appropriate setbacks and be in compliance with zoning and ordinance laws. The fence lines are several years old, there were some pins that had been removed from the ground and replaced but there has not been an official survey done within the context of this timeframe. The burden is on the Whites to show that, not the Hansens. The construction began in the summer of 2017 and was completed in August/September of 2018 when his clients filed their formal complaint. The Hansens watched this process go through and when it became an issue of encroachment on their land and the realization that every time they seemed to tacitly consent to this project it kept encroaching closer and closer and onto their property. The Hansens want to be good neighbors and when this happened it caught them off guard and they wanted to do what they could to acquiesce to this until it got to the point where they could no longer acquiesce and that point became where is the boundary line, how far away is it, and the 3 of 4 inches wasn't adequate at that point any longer because of the uncertainty of the boundary line. Mr. Sperry said a survey only needs to be done if you are going to deny the variance because then we need to establish where the 20-foot and 5-foot setback requirements are. If you were going to grant the variance then the dispute becomes civil and there is an issue of where the boundary is and whether that pool is on or across the boundary. Mr. Lakey offered rebuttal comments. There was a question about pool water itself; no negative impact from splash back. There needs to be a walkway around the pool the structure that contains the automatic pool cover. They are willing to take some off the end of that, at this point there were discussion and the Hansens proposed they take off 3 inches but the Whites will double that. It could go beyond the 6 inches without affecting the pool integrity but there needs to be some walkway behind that pool cover to do maintenance. The Whites recognize they did not get a building permit, there isn't any ill will or claim of evil conduct on either party but there was a lot of communication going in. They analyzed the requirements under the code and it does relate to the comprehensive plan. The existing structures and site characteristics do demonstrate an undue hardship, that's why it was put in this location. The public interest is not harmed. There's been no description of any harm to agricultural operations. There were no pins pulled in regards to the pool; the pin that was mentioned is on the other side of the road and was placed by Mr. Hansen who is a former surveyor. That fence post had to be in line with that pin when it was placed and Mr. Hansen constructed that fence so it's in the location that he felt like the property line was located so they have been operating under the assumption that that fence was the property line. The string shows they are within that property boundary. Pins were not pulled as

part of the pool placement. The Hansens concerns seemed to be raised when the Whites put the one foot addition for the fence, a foot of concrete was added to build the wrought iron fence. Gordon Hansen testified the Whites shed is against the original fence and the post that was there up until the last month or two. When he met with Mr. White to make an agreement on site it showed 10-12 inches of concrete hanging on his property, and there is a filter system for the pool on the back of the shed and Mr. Hansen is worried his cattle will rub up against it and if they bust it he'll be sued. There should be some kind of setback away from the property line. When he asked Mr. White where the pool was going to end up he said "over there" but didn't indicate a distance and now it's right up against the fence line and he doesn't like it. Mr. Lakey said that shed was against the property line for seven years. There is an opportunity to take off more than the 3 or 6 inches without impacting the structure and they are willing to talk further with the Hansens to see if they can reach a mutual solution. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner White wants to make sure there is not encroachment and therefore she is not ready to make a decision today. Commissioner Van Beek referenced a variance that came before the Board in August that was denied and she said there are a lot of similarities between this case and that one. Ignorance of the law is not an excuse for breaking the law. There is a fair amount of emotion but that's outside of what we look at, and she doesn't find that the evidence brought by the applicant supersedes the definition of undue hardships cited by Mr. Sperry in Idaho Code. She referenced comprehensive plan policies regarding preservation and protection of agriculture. There is a 20-foot requirement between agricultural ground and a building structure and it hasn't been met. We don't know if there's been encroachment. There is a failure to demonstrate how the characteristics of the site create an undue hardship and had that been done on the front end we wouldn't be here today. She supports a formal mediation process and she said Mr. Sperry has provided more convincing evidence that would support and uphold the denial by the P&Z Commission to not allow the variance. Commissioner Dale said it might be good to have a survey of the lot line. There is no testimony indicating there is interference of the farming operations. He said previously cited cases are not relevant, every case is determined on its own merit. The variance will not deny property rights; perhaps a solution is the Hansens would sell a portion along the line to the applicants because that would be cheaper than tearing out the pool and starting over. He is not opposed to the variance, but he understands Commissioner White's desire to have an answer on the property line itself. Commissioner Van Beek said she's curious where the surveyor's marks are, and she said additional information is in the best interest of this Board. Commissioner White made a motion that the Hansens and Whites come together and have a discussion and mediate and find a workable solution for all parties with a survey being required so the property line is defined. The motion was seconded by Commissioner Dale and carried unanimously. The hearing was continued to December 12 at 9:00 a.m., although it's likely it will just be a status update meeting. Today's hearing concluded at 11:22 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FY2019 BUDGET ADJUSTMENTS; THE FLEXIBLE SPENDING ACCOUNT ADMINISTRATIVE SERVICES AGREEMENT WITH FLORES; AND THE HEALTH REIMBURSEMENT ARRANGEMENT AGREEMENT WITH FLORES

The Board met today at 11:25 a.m. to consider approving the FY2019 budget adjustments, the Flexible Spending Account Administrative Services Agreement with Flores, and the Health Reimbursement Arrangement Agreement with Flores. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Zach Wesley, Controller Zach Wagoner, Audit Supervisor Shawna Larson, HR Director Sue Baumgart, and Deputy Clerk Monica Reeves. The items were considered as follows:

Flexible Spending Account Administrative Services Agreement and Health Reimbursement Arrangement Agreement with Flores: Controller Wagoner said we have a third party administrator, PBS, who helps with the process after we collect the monies and transfer those monies to the third party. We have been with PBS for 3-4 years and it's been challenging. On an annual basis we transfer nearly \$1 million to them and they facilitate repayment of that amount. We want to make sure the County's money, the employees' money is properly accounted for and taken care of, and on multiple instances PBS has overpaid by paying benefits out twice and county staff caught and identified those overpayments. They have met with PBS but the service has not improved and so he would like to make a change to Flores, which is a company we've used before and had a good experience with. The change will become effective January 1, 2020 and there will be an increased cost of \$4,000 per year. There is roughly \$500,000 that goes pretax that saves the County almost \$40,000 a year and the projected cost is \$40,641 so it almost pays for itself because employees participate and if more employees participated it would increase our tax savings additionally. HR Director Baumgart explained how the balance and account information will rollover with Flores. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to sign the agreements with Flores. (See Agreement Nos. 19-186 & 19-187.) Mr. Wesley and Ms. Baumgart left at 11:34 a.m.

FY2019 Budget adjustments: Controller Wagoner explained that the Auditor's Office is finalizing fiscal year 2019 and the outside auditors are on site this week and there are a few minor budget transfers to consider. We are not increasing the budget today, we are not moving any cash this is merely an accounting exercise to transfer a few budget amounts. The transfers are as follows:

Public Information Officer:

Transfer \$600 from the "B" budget reserves and \$500 from the PIO "B" budget to the "A" budget - salaries and benefits for personnel expenditures. There was an increase in our PERSI rate, and there was a slight issue with the compensation plan spreadsheet that needed to be corrected. After the budget was approved they discovered the issue and made an adjustment to the PIO salary to be consistent with the compensation plan. We were \$1100 over budget on the "A" budget side.

Problem Solving Courts:

Transfer \$3,200 from the reserves line item to the problem solving courts B budget for expenditures related to testing activities.

Waterways:

Transfer \$9,000 from their B budget to their A budget for personnel expenditures related to part-time marine deputy functions.

Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the resolution authorizing and approving the FY2019 budget adjustments. (See Resolution 19-165.) The meeting concluded at 11:41 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 1:32 p.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Brad Goodsell, Landfill Director David Loper and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing notice of sole source procurement - Bull Litter Fence with Canopy for use at Pickles Butte Sanitary Landfill from Metta Technologies: This is the same fencing that is currently used at the Landfill. Right now they have 20 panels which is enough to corral one side but these additional panels will allow them to corral blowing litter much better. Sole source is due to the compatibility with what is already being used and it is more cost effective. A hearing will be held on December 2, 2019 to take comment on the sole source. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of sole source procurement for a Bull Litter Fence with Canopy for use at Pickles Butte Sanitary Landfill from Metta Technologies. A copy of the notice is on file with this day's minutes.

Consider signing notice of sole source procurement - Tarpomatic, Inc. Automatic Tarping Machine: This will be used as an alternative daily cover to cover the working face at the end of the day. Currently at the end of each day the working area is covered with soil but with use of the tarp only about ½ the fill will be needed at the end of the day, additionally, waste will be able to be placed in the same location for 2 days so there will be less soil used, less manpower necessary and a lot of airspace saved. The reason for sole source is due to this being the only product with chain-link woven in, has the needed durability and is compatible with what's already used at the landfill. Life expectancy of the tarping machine itself is 20-30 years and they hope to get 10-15 years from the actual tarp. Upon the motion of Commissioner Van Beek and second by

Commissioner White the Board voted unanimously to sign the notice of sole source procurement for the Tarpomatic, Inc. Automatic Tarping Machine. A copy of the notice is on file with this day's minutes.

Consider signing FY20 Pickles Butte Landfill monitoring well project solicitation of bids: Director Loper explained this is for the replacement of PB-4. This is for the specifications and bids to replace that well. They are not abandoning the current monitoring well at this point – they will drill the new well and then sample them simultaneously as per DEQ's request. At some point, once the testing is complete, he will ask for the old well to be abandoned. The reason for this new testing well is to show that there is no gas migration or leachate in the ground water which is all in preparation of submitting the expansion information to DEQ. Mr. Goodsell spoke about the solicitation of bid process and how the contract will be awarded. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FY20 Pickles Butte Landfill monitoring well project solicitation of bids. A copy of the letter sent to contractors is on file with this day's minutes.

The meeting concluded at 2:01 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER THE APPROVAL/DENIAL OF A REQUEST BY AMY WOODRUFF FOR A ROAD NAME CHANGE; CASE NO. RD2019-0025

The Board met today at 2:06 p.m. for a public hearing to consider the approval/denial of a request by Amy Woodruff for a road name change and to consider signing the findings of fact, conclusions of law, conditions of approval and order; case no. RD2019-0025. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Deb Root, Amy Woodruff and Deputy Clerk Jenen Ross. Deb Root gave the oral staff report stating that Ms. Woodruff is requesting a road name change from Tivio Pine Lane to Breakaway Lane. This is a private road for a personal residence at this time although there are three parcels approved that would take access from this road. Staff is recommending approval to the Board for the name change. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the request by Amy Woodruff for a road name change as presented based on the findings of fact and conclusions of law. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 2:11 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH ADS TO DISCUSS CHANGE ORDERS

The Board met today at 3:02 p.m. with ADS to discuss change orders. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy

P.A. Sam Laugheed, Facilities Director Paul Navarro, Captain Daren Ward, Assistant Facilities Director Rick Britton, Tristan Kelly, Anthony Kelly, Timothy Kelly and Michael Shuey with ADS and Deputy Clerk Jenen Ross. Rick Britton stated the purpose of this meeting is to provide some clarification on certain items within Pod 6. The items to be discussed include the generator and all associated equipment and hook-ups, the Programmable Logic Control System (PLC system), test and flush of water lines coming from 12th Ave and installation of electrical conductor between the County's transformers into the main distribution panel. Commissioner White asked about the PLC system and the ability to control the doors from a remote location. ADS explained that this is not an industry standard and that each county has their own security system and computer systems. They rely on individual counties to provide their own system. ADS will 'rough-in' the mechanics and hardware but the computer system is needed to activate it all. Commissioner Van Beek asked about 'boiler-plate' type items for these kind of facilities. ADS explained that there really are no 'boiler-plate' items because what they do for each county is unique and customized to their specific needs. ADS has a personal anticipated completion goal of the end of November/beginning of December and once an agreement is reached with Advanced Automation Systems for the build of the PLC the electricians will get started on their part within the structure. Commissioner White asked about the transformer. ADS said a conductor needs to be run from the transformer behind the elections office to the main distribution panel and hooked up. Quotes from both Quality Electric, which the county uses regularly, and Salmon Electric, which is the company used by ADS, have been generated. Discussion ensued about the differences between the two quotes as to what is included and excluded. It was decided that both companies are qualified to do the work but that time is of the essence so that may be the deciding factor as power from the transformer is needed ASAP. Commissioner Van Beek asked ADS about their final inspection process and any other unanticipated costs. ADS said there won't be any additional charge for their 'punch-list' of final items to make sure everything in is perfect order and Captain Ward doesn't anticipate any additional costs for items pertaining to the actual structure nor does Mr. Britton on the facilities side of things. At Commissioner Dale's request, Mr. Britton reviewed items that need to be completed in order to test and flush the waterlines. A discussion ensued regarding the stability of the structure being on blocks, the likelihood of an inmate being able to get under the structure from the rec yard and the weight-bearing load for the rec yard lid in regards to snow mitigation. ADS gave a brief timeline of upcoming items to be installed and completed. Commissioner Van Beek requested a list of all the change orders and unanticipated costs which Director Navarro indicated he could provide to the Board. The meeting concluded at 3:56 p.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner White made a motion to go into Executive Session at 4:03 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters relating to named employees,

records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Dale. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter (left at 4:30 p.m.), IT Director Greg Rast, Facilities Director Paul Navarro, Security Director Joe Mueller and Deputy Clerk Jenen Ross. The Executive Session concluded at 4:48 p.m. with no decision being called for in open session.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 13, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

CANVASS ELECTION

The Board canvassed the November 5, 2019 Election results today which are on file with this day's minute entry.

MEETING WITH THE CITY OF MIDDLETON TO DISCUSS POSSIBLE RENEGOTIATION OF THE MIDDLETON AREA OF CITY IMPACT, PLAN AND ORDINANCE REQUIREMENTS PURSUANT TO IDAHO CODE SECTION 67-6526(D)

The Board met today at 10:32 a.m. with the City of Middleton to discuss possible renegotiation of the Middleton Area of City Impact, Plan and Ordinance requirements pursuant to Idaho Code Section 67-6526(d). Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Middleton Mayor Darin Taylor, Middleton P&Z Official Bruce Bayne, and Deputy Clerk Monica Reeves. In a letter dated October 25, 2019, Mayor Taylor's request is to start discussions with Canyon County to determine if the City and County agree to renegotiate the Middleton area of city impact, plan, and ordinance requirements for the following reasons:

1. County Ordinance 01-006 was adopted July 6, 2001 and since then there have been significant material changes in city population, staff expertise, and demand for development in the impact area;

2. City processes, plans and ordinances have been focused and refined to implement duties placed on the city by and according to state law; and
3. The city is prepared and willing to accept more responsibilities under Idaho Code when implementing comprehensive plan policies, zoning and subdivision ordinances in the impact area.

Mayor Taylor said the City and County staff have talked about possibly expanding the area of city impact boundary north one mile from the Purple Sage boundary because the city limits now touch Purple Sage and they want to bring that to a more formal setting. Their desired outcome is to identify a direction forward on how they can have this discussion. It was noted that the existing impact area boundary was approved in 2002. Director Nilsson said we need to decide how both agencies want growth to occur in the area of city impact and then figure out which provisions and technical standards to get us there. Bruce Bayne reviewed a map showing the current impact area. A roundtable discussion followed. (Commissioner Van Beek left at 10:53 a.m.) Following comments, Director Nilsson suggested the Board direct staff to work with Middleton staff and come up with the provisions that we want to bring back to a formal meeting with the governing boards after the first of the year to deal with what standards apply. The big question is how do we want development to occur? Because of the history in Middleton we should take some time to articulate the current county developments and how they will or will not be impacted by the changes. She will follow-up with a letter that summarizes today's discussion. The meeting concluded at 11:39 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 1:35 p.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Dale arrived at 1:45 p.m., Deputy P.A. Mike Porter, Chief Public Defender Aaron Bazzoli left at 1:43 p.m., Elections Supervisor Haley Hicks, Clerk Chris Yamamoto arrived at 1:36 p.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing independent contractor agreement for Public Defender Conflict Counsel with Joshua Taylor: Mr. Taylor has been doing contract work since the summer but it was just realized that there was no contract in place. Mr. Bazzoli has reviewed to make sure all other conflict attorneys have a contract in place. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the independent contractor agreement for Public Defender conflict counsel with Joshua Taylor (see agreement no. 19-188).

Consider signing a resolution designating polling locations for the December 3, 2019 election: This is for the run-off for Caldwell City Council seat 6 and being done at the request of the City

of Caldwell and behest of the Secretary of State. For several reasons, including deadlines and potential confusion regarding precinct locations, it was decided to do all the voting at the Elections office. Early voting will open on Monday November 18th and run thru November 29th. Some minor parking adjustments will be requested. There will be significant cost savings by containing the voting to one location although the City of Caldwell will be paying the costs including overtime. A run-off wasn't planned for because there hasn't been one in Canyon County since 1989. Clerk Yamamoto discussed the definition of "majority" and the 50+1 rule. He has been told Caldwell City Council will meet to amend their language to state whoever gets the most votes wins. Over 19K voter cards will be sent out and the information will be added to the website. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution designating polling locations for the December 3, 2019 election (see resolution no. 19-166).

EXECUTIVE SESSION – PERSONNEL MATTER

A request was made to go into Executive Session as follows:

Commissioner Dale made a motion to go into Executive Session at 1:57 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek, White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. The Executive Session concluded at 2:09 p.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.

PUBLIC HEARING - CONSIDER REQUEST BY DAVID AND JANE SANDERS FOR A ROAD NAME CHANGE, CASE NO. RD2019-0021

The Board met today at 2:13 p.m. to conduct a public hearing in the matter of a request by David and Jane Sanders for a road name change, Case No. RD2019-0021. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, interested citizens, and Deputy Clerk Monica Reeves. The Sanders are here to request a private road name change from SG Way to Barrel Lane. It is off Plum Road, between Hoskins Road and Homedale Road. There are four properties that have an easement they use to access their property off this road, and there is a fifth property owned by Jackie Groves, it doesn't have an easement but they do have access to it and they have written a letter of support. All properties that have frontage along SG Way have signed the application and support this change. Agencies were notified and no comments or concerns were submitted to DSD, and therefore staff is recommending the Board approve the name change as requested. Upon the motion of Commissioner Van Beek and the second by Commissioner Dale, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the road name

change. The motion was seconded by Commissioner Dale and carried unanimously. The hearing concluded at 2:18 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:03 p.m. with the Administrative District Judge and Trial Court Administrator to discuss general issues. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Judge Susan Wiebe, TCA Doug Tyler and Deputy Clerk Jenen Ross. Commissioner Van Beek left at 3:20 p.m. A discussion was had regarding use of courtrooms; Mr. Tyler said the biggest issue with filling all the courtrooms is having enough court clerks. Mr. Tyler is hoping to get stakeholders together in January to discuss remodeling of the 2nd floor courtrooms. They are very appreciative of the additional marshal position which gives them a total of six now. Discussion was had regarding the jail and jail bond. The discussion was general in nature and no Board action was necessary or taken. The meeting concluded at 3:28 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 14, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale – out of the office
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Liquid Engineering in the amount of \$2415.00 for the Solid Waste department
- ProForce Law Enforcement in the amount of \$34,820.00 for the Sheriff's Office

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Coronar LLC to be used 11/16/19 for a quinceanera.

APPROVED CLAIMS ORDER NO. 11/15/19

The Board of Commissioners approved payment of County claims in the amount of \$5000.00 for accounts payable.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 8:50 a.m. with county attorneys for a legal staff update and to consider signing documents related to the City of Caldwell's Urban Renew Agency. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Tom Dale via teleconference left the meeting at 9:01 a.m., Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Sr. System Analyst Steve Onofrei, Clerk Chris Yamamoto, Assessor Brian Stender, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, Treasurer Tracie Lloyd, Sheriff Kieran Donahue left at 9:02 a.m., Security Director Joe Mueller, Doug Waterman for the City of Caldwell/Urban Renewal Board, PIO Joe Decker arrived at 8:59 a.m., Other concerned citizen and Deputy Clerk Jenen Ross. Commissioner White noted for the record that the Board received an email signed by all the elected officials requesting a discussion that involves all of the elected officials. Commissioner Dale is out of the office until November 25th, there is also an Elected Officials meeting scheduled for that day so she thinks that would be the day for that discussion should it go that way with the vote of the Commissioners, if not we'll proceed with what is on the agenda today. She feels that sincere consideration needs to be given to holding off signing on the different documents and making decisions until they've addressed the request for communication. Commissioner Dale recognized the letter received by the other Elected Officials and in light of this development feels he needs to respect his colleagues request to further discuss the revenue allocation area. He reiterated that he is a proponent of urban renewal and all the good it has accomplished and can accomplish in the future. He remains committed to finding a path for this new revenue allocation area for the City of Caldwell. He understands that the delay creates the need to refigure the numbers that are used in creating the plan and he hopes this can be accomplished without overburdening the people who have spent so much time on the development of this plan. Zach Wesley clarified for the record that the legal civil team has reviewed the documents that have been provided regarding urban renewal but that Prosecutor Taylor's statement was not made as a legal advisor but in his capacity as an elected official. Commissioner Dale understands that and wants to follow the concerns of all those other six elected officials. Commissioner Van Beek spoke about her lack of respect for the rescission of a decision made on Tuesday after conversations were had during the previous weekend with the Urban Renewal Board. She feels there should be the opportunity of the people invited here today to express their concerns. There has been information that Commissioner Dale specifically called for. Commissioner Van Beek said she spoke with the Mayor last night and he said those conditions have been met, there was an agreement that was reached, although she is not responsible for how that decision was reached, and she would like the opportunity before there is a conclusion drawn to hear the elected officials along with Mr. Waterman for the Urban Renewal Board. She feels there was ample opportunity to schedule this meeting even yesterday and she objects to the late hour of rescinding a decision made by Commissioner Dale. Commissioner White argued that Commissioner Dale is not rescinding a decision because there has not been a vote. Commissioner Dale reiterated that he is a proponent of urban renewal but in light of the letter that was received from the other elected officials their opinions need to be taken into

account. He will not change his stance in being a proponent of urban renewal but the other elected officials need to be listened to. Commissioner White said there are no decisions being rescinded we're just going to allow time for everyone to get together and have communication on this subject. Commissioner Van Beek asked that out respect to the people in the room today to hear what has been proposed, there will opportunity if Commissioner Dale so chooses to request the audio since this was a meeting for clarification of the items Commissioner Dale called for. Commissioner White said this is a 20 year decision being made and she will not make it without a full Board present. Commissioner Van Beek read into the record an email received from Beth Ineck with the City of Nampa showing a comparison of Total Building Permit Values for the City of Nampa for FY2017 and FY2018 against what Amazon will bring; the email also included a statement indicating her support of urban renewal. Commissioner Van Beek said she received confirmation this morning that the \$88K received annually to the general expense fund for the county will continue thru the 20 year period so at best we are not going to lose ground when that area develops. She would like Mr. Waterman to speak about the de-annexation language once the three conditions that were a part of Commissioner Dale's request have been fulfilled. Mr. Wesley explained there are 3 documents that work together: the resolution that would essentially adopt the decision of the City of Caldwell declaring this area in need for urban renewal; the ordinance which is the mechanism for the transfer of power between the county and the urban renewal agency – the language that is included in section 4 will find a formal place in the formal plan that the urban renewal agency adopts. Because that adoption occurs after we've done this we've included language in the ordinance that specifies that if this language is not adopted that our grant of authority is null and void. This alteration to the plan that's been proposed would provide for the de-annexation of properties in the area when certain conditions are met and the effect of that would be that they would be returned to the full tax base and taken out of that urban renewal area where the tax increment goes to the Urban Renewal Agency. The following document language was read in the record as follows: The Commissioners of the Urban Renewal Agency will de-annex a portion of the revenue allocation area under the following circumstances: A) the request is made by a taxing district affected by revenue allocation B) property for proposed de-annexation has been substantially redeveloped C) terms of any tax reimbursement agreement have been performed D) de-annexation of property will not substantially hinder further implementation of the plan and projects. This is the language that Commissioner Dale had worked with the City of Caldwell to get into the document and agreed with the City of Caldwell and the Urban Renewal Agency. Mr. Wesley believes this agreement was reached either the end of last week or beginning of this week. In response to a question by Commissioner Van Beek, he also believes that as these conditions came together that Commissioner Dale was comfortable with the language in the urban renewal document. Commissioner Van Beek stated that the area being talked about with this urban renewal area does not yet have infrastructure in place to attract business so the idea is that urban renewal will catapult an area that may never develop in that 20 years, that by putting these things in place they will attract business that will provide what everybody is concerned about; there will be a tax shift and relieve residents of some of that burden because commercial will assume and pay in their share without diminishing the return to the county of their \$88K. Mr. Waterman said this is an accurate description of the area and the point of urban renewal. He stated that the city feels the area is deteriorated or is deteriorating as

evidenced by the resolution declaring it so and they don't believe that area would develop, particularly not substantially in the next 20 years as it would if urban renewal activities were undertaken in the area. Mr. Waterman requested that any meetings take place before the end of November to still allow them the 30 days required to issue notice for the final hearing and implement the plan in 2019. Commissioner Van Beek proposes we get the questions that are relevant to the urban renewal and see if the questions that were presented in the previous meetings have either been answered or if there are additional questions. Treasurer Lloyd's concern with the document provided is that the numbers are not correct, nor has she been contacted by anyone at the city or the Urban Renewal Board. Mr. Waterman said he has information for updated levy rates that has been provided to the county. Mr. Wesley said that information was provided at 8:00 this morning and he may be the only one that has a copy at this point. Clerk Yamamoto said the group of elected officials did not come today prepared to litigate this case, he thinks to continue on with any discussion now is fruitless. A meeting has been set for the 25th and communication back and forth can start to vet these things. There are several issues they have and have not had a time to evaluate yet. Commissioner White said this is a huge decision and the entire Board is not present to take part in the conversation. Commissioner Van Beek would like to invite the City of Caldwell to the table for the next meeting in order to address any questions. Commissioner White agrees but says we do need time to make these decisions and evaluate the information provided. The meeting concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH AARON FREUDENTHAL OF IDAHO PUBLIC DEFENSE COMMISSION FOR QUARTERLY REVIEW

The Board met today at 3:06 p.m. with Aaron Freudenthal, the Regional Coordinator for the Idaho Public Defense Commission (PDC), for a quarterly review. Present were: Commissioners Pam White and Leslie Van Beek, Public Defender Aaron Bazzoli, Aaron Freudenthal, and Deputy Clerk Monica Reeves. Mr. Freudenthal introduced himself to the Board and spoke of his background and experience. With the retirement of Brianne McCoy they have combined regions temporarily and he has taken over Districts 3 and 4. He met with Aaron Bazzoli yesterday and reviewed numbers, noting there hasn't been a significant increase. They were proposing two rules about political and judicial influence, and resource equity between prosecuting and defending attorneys but they've nixed those from the table this year because a lot of the guiding authorities have these proposed rules but they don't have any specifics on how to enforce them or check that they are being met. They will work on them for a year and make sure there's some objective standards. He said resource equity between the prosecutors and public defenders sounds nice but how you check that is incredibly difficult because it compares apples to oranges. The gist of the rule is to make sure both sides have what they need to present their case. The political and judicial influence rule was aimed at where commissioners in other states have told public defenders they're spending too much money or putting too much money into a case, or, where the public defender was left holding the bill. Canyon County is not a concern; if there's ever an issue he will talk with Mr. Bazzoli and then come to the Board if necessary. The PDC

getting feedback that quarterly meetings with BOCC's is too much since they don't have much in the way of updates, so they're thinking of changing it to twice a year and the other two times he will meet with the clerks and the chief public defenders. Commissioner White likes that idea. The state is expecting budget cuts; they have a 1% rescission this year and a 2% baseline cut, assuming 3% by the end of next year. The grant funds should be the same, although workload funding may be different. Even if the budgets are decreased they have enough to increase the grants next year by the average inflation, which is 3%, so hopefully they will be on track to match everyone's budget increases. They are still facing a lawsuit that's currently stalled at the Supreme Court. The ACLU is asking for their burden showing there's potential harm to all the defendants in Idaho, and the state is asking the ACLU to show actual harm which is a much higher standard. The ACLU filed their brief for argument recently and Boundary County took some flack in it, as did the PDC, as well as a few other counties who were singled out, but Canyon County was not called out. Mr. Bazzoli said the state's side of it is there may have been an issue, but with everything they have done there is no longer an issue. He believes it will have an impact regardless of how it works out. Mr. Freudenthal will be back in the late spring or early summer and will most likely meet with Aaron Bazzoli at that time. No Board action was required or taken today. The meeting concluded at 3:26 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 15, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale – out of the office
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 11/15/19

The Board of Commissioners approved payment of County claims in the amount of \$30,666.36 and \$175.00 for accounts payable.

APPROVED CLAIMS ORDER NO. 11/25/19

The Board of Commissioners approved payment of County claims in the amount of \$9841.53, \$55,654.12, \$63,235.01, \$51,154.91, \$28,576.57, \$22,394.59 and \$62,600.00 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Salmon Electric in the amount of \$42,000.00 for the Facilities department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Goodwood Barbecue Company to be used 11/30/19 for an anniversary party.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:05 a.m. with county attorneys for a legal staff update. Present were: Commissioners Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross. Commissioner Van Beek spoke of a bid and purchase order that was received for Salmon Electric to do work at the Pod 6 site. She noticed performance bond information or a contract were missing and wondered if Mr. Laugheed had any additional information in regards to that. Mr. Laugheed said he was not aware of this bid and PO but asked if Director Navarro or Mr. Britton had had a chance to review; Commissioner Van Beek confirmed they had. Mr. Laugheed said that after a quick review since the dollar amount is under \$50K it would not require a formal procurement process and without that process some of the standard items aren't as necessary. Although the cumulative work being done for Pod 6 by Salmon Electric will be over \$50K, this is the first work they've done for the county; the other work was done as a sub-contractor for ADS. Based on a cursory review Mr. Laugheed doesn't see any issue with moving forward and if there were concerns he would recommend going thru an abbreviated process for procurement where there may be a declaration of emergency circumstances since time is of the essence on this project.

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:13 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters pertaining to named personnel, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:59 a.m. with no decision being called for in open session.

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:00 a.m. to consider action items. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Treasurer's tax charge adjustments by PIN for October 2019: Commissioner Van Beek gave a review of the adjustments shown this month and then made a motion to sign the Treasurer's tax charge adjustments by PIN for October 2019. The motion was seconded by Commissioner White and carried unanimously.

Consider signing a resolution for a new alcohol license for Koda Bear Winery: Commissioner Van Beek made a motion to sign the resolution for a new alcohol license for Koda Bear Winery. The motion was seconded by Commissioner White and carried unanimously. *After the meeting concluded it was brought to the Board's attention that there may be some permit/and or zoning issues. The resolution and application were pulled from today's folder for further review.*

The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:03 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The following topics were discussed:

- Budget update
- COMPASS activities
- Impact fees
- Land use training
- Fire safety conditions/plat notes
- Building permit turnaround time

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

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 18, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale – out of the office

Commissioner Leslie Van Beek
Deputy Clerk Monica Reeves / Jenen Ross

No meetings were held today.

NOVEMBER 2019 TERM
CALDWELL, IDAHO NOVEMBER 19, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale – out of the office
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 11/25/19

The Board of Commissioners approved payment of County claims in the amount of \$173,760.43 for accounts payable.

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Sunbelt Controls in the amount of \$79,526.00 for the Facilities department
- Mountain Home Auto Ranch in the amount of \$25,201.01 for the Fleet department
- Mountain Home Auto Ranch in the amount of \$25,018.70 for the Fleet department

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

The Board approved a salary rate request and/or key & security access request form for Oneida de la Bretonne.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Vizcaya Winery to be used 11/23/19 for a gathering.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/1/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/3/19 for a Christmas party.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/6/19 for a Christmas party.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/10/19 for a holiday party.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/13/19 for a Christmas party.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/14/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/27/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/28/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/29/19 for a wedding.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/2/19 for a Christmas party.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Dan Blocksom left at 9:15 a.m., Deputy P.A Zach Wesley, Deputy P.A. Jim Cornwell left at 9:15 a.m., Chief Deputy P.A. Sam Laugheed arrived at 9:03 a.m., Lt. Dave Schorzman left at 9:07 a.m., DSD Director Tricia Nilsson left at 9:20 a.m., Weed and Pest Superintendent AJ Mondor left at 9:15 a.m., Facilities Director Paul Navarro, Captain Daren Ward arrived at 9:07 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing the Nance Artifacts Deed of Gift by William James Nance to Canyon County: Zach Wesley explained that Mr. Nance purchased these artifacts which he believes are from the same area as Celebration Park and would like to donate them. Discussion ensued regarding the security of the rock artifacts. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Nance Artifacts Deed of Gift by William James Nance to Canyon County (see agreement no. 19-190).

Consider signing 2019 Emergency Management Performance Grant Subrecipient agreement: Lt. Schorzman said this is the annual grant determined by the state by population and size. The main function of the grant is to offset the cost of running an emergency management program. It is a \$.50 on the dollar reimbursement for primarily salary and benefits of the emergency manager and some ancillary items. This year it encompass two projects: the emergency manager salary and benefits and then to offset some of the long-term maintenance expenditures for the Motorola contract. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the 2019 Emergency Management Performance Grant Subrecipient agreement (see agreement no. 19-191).

Consider signing Northwest Owyhee Cooperative Weed Management Area (CWMA) memorandum of understanding between Owyhee County, Canyon County Weed & Pest Control, South Board of Control - Gem Irrigation, Idaho Department of Lands, Bureau of Land Management - Boise District Office, Idaho Department of Fish & Game - Southwest Region, Reynold's Irrigation District, and Opaline Irrigation District: Mr. Mondor said that by forming this group they are able to apply for state funds to fight noxious weeds. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Northwest Owyhee Cooperative Weed Management Area (CWMA) memorandum of understanding between Owyhee County, Canyon County Weed & Pest Control, South Board of Control - Gem Irrigation, Idaho Department of Lands, Bureau of Land Management - Boise

District Office, Idaho Department of Fish & Game - Southwest Region, Reynold's Irrigation District, and Opaline Irrigation District (see agreement no. 19-189)

As part of the legal staff update a discussion was had about the resolution granting a new alcohol beverage license to Koda Bear Winery that was approved on Friday. Director Nilsson brought to the Board's attention that the winery is not zoned appropriately nor have they obtained the proper building permits from the county or state. Mr. Wesley feels it would be appropriate to hold the license or make it contingent upon getting the proper zoning and permits. Commissioner Van Beek would like to see the license held. Director Nilsson said that as far as she knows they have not violated anything to this point and they would simply provide a courtesy notice. Commissioner Van Beek asked how the license got this far without these issues being realized. Mr. Wesley said that the process currently in place by both the state and the county recorder's office doesn't necessarily touch these issues so it could potentially be one area for review within the county's procedure. It may be good to have a procedure in place where these locations out in the county are reviewed by both the Sheriff's Office and Development Services. At this time the license will be held by Commissioner Staff and Director Nilsson will coordinate to get something formal on the agenda.

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

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:20 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Facilities Director Paul Navarro, Captain Daren Ward and Deputy Clerk Jenen Ross . The Executive Session concluded at 9:41 a.m. with no decision being called for in open session.

At the conclusion of the executive session Mr. Laugheed spoke about the legal discussion that was had regarding a purchase order for DDC unit in Pod 6 that controls water and lights. In this case the purchase qualifies for sole source procurement and emergency expenditure under statute 67-2808. The Reliable Controls are used in Dale Haile detention center as well as other locations on the courthouse campus and under statute 67-2806 there is an exemption that states that when there are goods that cost between \$50K and \$100K and it's impossible to obtain 3 bids then the county just needs to make a record of that. Sunbelt Controls is the State of Idaho's supplier for the Reliable Controls and there is a preference in Idaho code to use Idaho vendors whenever possible when public entities are purchasing. This product cannot be located anywhere else in Idaho so it's appropriate to use this statutory exemption to move forward. Director Navarro read into the record exactly what the county will be getting from Sunbelt Controls (these items are

also listed on the purchase order on file in today's minutes). At the request of Commissioner Van Beek, Director Navarro spoke about the budget these items will be purchased from. The meeting concluded at 9:45 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

Then Board met today at 10:05 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of Juvenile Detention Steve Jett, Assistant Director of Juvenile Detention Sean Brown, Probation Officer Matthew Isaak and Deputy Clerk Jenen Ross. The Board was updated on the following:

- Numbers are fluctuating, but seem to be down.
- A contract with Department of Juvenile Detention is in the works and Director Jett expects it will come before the Board soon; this is a contract in order for them to have kids at the juvenile detention center as they are waiting to go on to other programs. Additionally, they have met with them to run the drug and alcohol program similar to Ada County. Tomorrow they will go over to Ada County to see how their program works.
- PREA audit was completed in late September; there were just a couple items the auditor asked them to work on.
- POST will be coming up in December; a couple of his employees will be instructing.
- Mr. Isaak recently took part in a training held in Salt Lake City and gave a review of what he learned.
- Director Jett spoke about the garden and reasons why it can't be used as part of meal planning in the detention centers.

The meeting concluded at 10:20 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 10:20 a.m. with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach, Chief Juvenile Probation Officer Elda Catalano and Deputy Clerk Jenen Ross.

Director Breach updated the Board on the following:

- Tomorrow they are doing a breakfast open house and invited the Board to attend.

- Provided a stat review: ended the month with 1353 active cases, 489 bench warrants, community service cases have leveled out at 288 with 13 reoccurring problem solving court cases.
- A new PO will be starting next week.
- Domestic Violence Court is still being worked on.
- The remodel of the breakroom is now complete.
- Director Breach will be out of the office the first week of December.

Ms. Catalano updated the Board on the following:

- Reviewed the annual report she will have to submit to the Idaho Department of Juvenile corrections; a copy of the report is on file with this day's minutes.
- She has been in communication with Optum Idaho who funds the kickball tournament, recently they reached out looking for more ways they can further support the community. Ms. Catalano said there are not enough recreational activities so they have created a survey for their clients to find out what they need.
- Discussion took place regarding resources available in the county.

The meeting concluded at 10:46 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 20, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale – out of the office
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Mountain Home Auto Ranch in the amount of \$32,018.00 for the Fleet department/ Sheriff's Office
- Axon Enterprise, Inc. in the amount of \$34,800.00 for the Sheriff's Office
- DataBank in the amount of \$10,000.00 for the Information Technology department
- Carousel Industries in the amount of \$4967.99 for the Information Technology department

APPROVED CLAIMS ORDER NO. 11/25/19

The Board of Commissioners approved payment of County claims in the amount of \$44,926.37, \$80,272.16, \$284,390.14 and \$46,962.25 for accounts payable.

APPROVED CLAIMS ORDER NO. 2004

The Board of Commissioners approved payment of County claims in the amount of \$1,723,739.45 for a County payroll.

TAX DEED PROPERTY SALE/SURPLUS PROPERTY AUCTION; AND CONSIDER SIGNING A RESOLUTION AUTHORIZING THE GRANTING OF REAL PROPERTY TO OTHER POLITICAL SUBDIVISION OR TAXING DISTRICT

The Board met today at 9:02 a.m. to conduct a tax deed property sale/surplus property auction and to consider signing a resolution authorizing the granting of real property to other political subdivision or taxing district. Present were: Commissioners Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy P.A. Brad Goodsell, Elizabeth Wallace, Cedric Eells, Juan Arriaga, Mike Dittenber from the Caldwell Housing Authority, Andy Rodriguez from the Nampa Housing Authority, Jeff Dunmeyer, interested citizens, and Deputy Clerk Monica Reeves. Commissioner White read a script outlining today's bid process. Since the notice was published, two properties (Parcel No. 2 and Parcel No. 3) have been removed for legal reasons and they are no longer part of this sale. The only property to be auctioned today is Parcel No. 1:

PIN: 224260000, located at 19510 Lori Dr., in Caldwell

The minimum bid is \$5,507.86

The property sold to Elizabeth Dian Wallace for \$49,000

After the tax deed sale the Board considered the resolution authorizing the granting of real property to other political subdivision or taxing district. Brad Goodsell said some of the properties are transferred to other government entities and this year the Nampa Housing Authority and the Caldwell Housing Authority have each requested the County transfer a property to each respectively. The County published notice of its intent to transfer the properties and today is the time to see if there are any objections or comments on the transfer. Jeff Dunmeyer questioned what kind of entity the housing authority is. Mike Dittenber, the Director of the Caldwell Housing Authority, said the housing authorities find their authority under Idaho Code Title 50, Section 19. It also runs parallel to Idaho Code Title 50, Section 20 which is the urban renewal code. We were created for the purpose of examining conditions that look at slum and blight and providing housing to those who are under-housed in our communities. We are a political subdivision and we do have the legal authority of the state to be in possession of property transferred from the County. Mr. Dunmeyer thanked Mr. Dittenber for the information. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board

voted unanimously to close public testimony. The property transferred to the Caldwell Housing Authority is one block west of the courthouse on Albany Street (Parcel No. 05033000 0). It's an abandoned property. Pursuant to the agreements with both agencies they will rehab these properties or they will demolish them and build something else. They are engaging in a renewal of the neighborhoods and providing low income housing. The parcel in Nampa is identified as Parcel No. 314892780. Treasurer Lloyd said someone is living there and she spoke with him and she tried a second time to speak with the person but she was not able to speak with him directly but she did post some notes on his door. Through this transfer process the County does cover its costs. Andy Rodriguez from the Nampa Housing Authority said in the past they have dealt with this where the individual is still on the property and they talk with them to try to remedy the situation. In most cases they are not trying to kick them out, nor are they in a hurry to rehab the property simply because they have to get a clean title and that takes almost a year to do that. They have a process they follow. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to authorize the transfer of County property by quitclaim deed to the Nampa Housing Authority and the Caldwell Housing Authority. (See Resolution No. 19-167.) As a result of the approval of the resolution the Board was authorized to sign the two quitclaim deeds for the transferred properties. The hearing concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY CANYON COUNTY PROPOSING TO AMEND THE ZONING MAP TO ASSIGN A ZONE TO A 0.169 ACRE PORTION OF PROPERTY DE-ANNEXED FROM THE CITY OF CALDWELL, CASE NO. RZ2019-0030

The Board met today at 1:34 p.m. to conduct a public hearing in the matter of a request by Canyon County to amend the zoning map to assign a zone to 0.169 acres of Parcel No. R34062 which was de-annexed from the City of Caldwell, Case No. RZ2019-0030. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Deb Root, and Deputy Clerk Monica Reeves. Deb Root gave the oral staff report. We are here to assign a zone to a de-annexed property from the City of Caldwell which is a 0.169 acre piece of Parcel No. R34062, which remains in the City of Caldwell and is zoned residential. The 0.169 acres is proposed to be property boundary adjusted into the residential parcel that lies to the north of it. The property in the surrounding area is zoned agricultural and staff is recommending the Board assign the "A" (Agricultural) zone designation to the 0.169 acre piece of property. This came about because Nampa Paving (for Woodland Properties) asked to de-annex the property to match some property boundary and fence lines that are part of the residential property they sold to the adjacent owner. The property is located near the intersection of Midland Boulevard and Lincoln Road. Last year Nampa Paving obtained a conditional use permit for a mineral extraction operation and that property also had to be zoned, it had been de-annexed from the City of Caldwell, and DSD applied the agricultural zone to that property. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to amend the zoning map to assign a zone to the 0.169 acre portion of Parcel No. R34062 which has been de-annexed from

the City of Caldwell by Bill No. 5, Ordinance No. 3197, recorded as Instrument No. 2019-019390 on May 8, 2019, and to assign an “A” Agricultural Zone, and to sign findings of fact, conclusions of law, and order as well as the ordinance directing amendments to the Canyon County Zoning Map for Case No. RZ2019-0030. The motion was seconded by Commissioner White and carried unanimously. (See Ordinance No. 19-049.) The hearing concluded at 1:40 p.m. An audio recording is on file in the Commissioners’ Office.

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

The Board met today at 2:32 p.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- The auction went well with everything selling; the last Crown Victoria will leave tomorrow.
- The truck previously used as the SWAT vehicle will be destroyed as it cannot be passed on to another county for liability reasons. The tires will be removed prior to it being destroyed and once it is crushed the county will be paid for the value of the metal which is estimated at about \$265.
- The new technician is up and running.
- Currently county vehicles have been operating three different GIS systems but he’s had the opportunity to get them all on one system so they’ve been working to get everything changed over.
- A discussion was had about Mr. Tolman’s job title of Manager vs. Director.

The meeting concluded at 2:43 p.m. An audio recording is on file in the Commissioners’ Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO

NOVEMBER 21, 2019

PRESENT: Commissioner Pam White, Chair
Commissioner Tom Dale – out of the office
Commissioner Leslie Van Beek
Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 11/25/19

The Board of Commissioners approved payment of County claims in the amount of \$29,076.69, \$6472.00, \$79,006.21 and \$246.41 for accounts payable.

CONSIDER INDIGENT DECISIONS

The Board met today at 8:49 a.m. to consider indigent decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Customer Service Specialist Robin Sneegas and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2020-0005, 2020-0020, 2020-0069, 2020-0008, 2020-0001, 2020-0124, 2020-0018, 2020-0030, 2020-0172, 2020-0019, 2020-0002, 2020-0088, 2020-0003, 2020-0067, 2020-0141, 2020-0061, 2020-0068, 2020-0012, 2020-0010, 2020-0006, 2020-0152 and 2020-0009. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials on the cases as read into the record with written decision to be issued within 30 days.

Commissioner Van Beek made a motion to issue approvals for case nos. 2020-0086 and 2020-0015. The motion was seconded by Commissioner White and carried unanimously

The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Note for the record: As properly noticed the Board met today at 8:59 a.m. for medical indigency hearings. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 8:59 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners White and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:11 a.m. with no decision being called for in open session.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-467

The Board met today at 9:12 a.m. to conduct a medical indigency hearing for case no. 2019-467. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for St. Lukes, Amber Jones for St. Lukes, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue the case to January 16, 2020. The hearing concluded at 9:24 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NOS. 2019-877 AND 2019-906

The Board met today at 9:28 a.m. to conduct a medical indigency hearing for case nos. 2019-877 and 2019-906. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for St. Lukes, Dahlia Torres for St. Lukes, Applicant and Deputy Clerk Jenen Ross.

After discussion was had on the record a request was made to go into Executive Session as follows:

Commissioner White made a motion to go into Executive Session at 10:28 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners White and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Director of Indigent Services Yvonne Baker, Hearing Manager Kellie George and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:37 a.m.

At the conclusion of the executive session Commissioner Van Beek made a motion to deny case nos. 2019-877 and 2019-906. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 10:39 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-1232

The Board met today at 10:44 a.m. to conduct a medical indigency hearing for case no. 2019-1232. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for West Valley Medical Center, Karen Thurber for West Valley Medical Center, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to place the case into suspension with the understanding as stated by Director Baker. The hearing concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NOS. 2019-1170 AND 2019-1340

The Board met today at 11:18 a.m. to conduct a medical indigency hearing for case nos. 2019-1170 and 2019-1340. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Timothy Ryan for St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to deny both cases. The hearing concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-817

The Board met today at 11:34 a.m. to conduct a medical indigency hearing for case no. 2019-817. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Elizabeth Sonnichsen for St. Alphonsus, Attorney Bryan Nickels for St. Alphonsus, Timothy Ryan for St. Alphonsus, Applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to place the case into suspension. The hearing concluded at 11:41 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2019-856

The Board met today at 11:34 a.m. to conduct a medical indigency hearing for case no. 2019-856. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Jim Cornwell, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson for St. Lukes, Michelle Davis for St. Lukes and Deputy Clerk Jenen Ross. The applicant did not appear. Upon the motion of Commissioner Van Beek and second by

Commissioner White the Board voted unanimously to approve the case. The hearing concluded at 11:49 a.m. An audio recording is on file in the Commissioners' Office.

INDIGENT MATTERS

The Board met today at 11:53 a.m. to consider indigent matters. Present were: Commissioners Pam White and Leslie Van Beek, Hearing Manager Kellie George, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared on the following cases: 2019-1150, 2019-1171, 2019-1093, 2019-1186, 2019-1029, 2019-1154 and 2019-1219. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final denials with written decisions within 30 days on the cases as read into the record.

Commissioner Van Beek made a motion to issue final approvals with written decisions on case nos. 2019-930 and 2019-928. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:55 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 12:00 p.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Brad Goodsell left at 12:06 p.m., Deputy Treasurer Tonya May left at 12:03 p.m., Chief Public Defender Aaron Bazzoli left at 12:06 p.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing resolution authorizing the issuance of quitclaim deeds to successful bidders at the November 20, 2019 auction of surplus property: This property sold to Elizabeth Wallace who has tendered a cashier's check. The debt to the county has been resolved and excess funds will be handled accordingly. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution authorizing the issuance of quitclaim deeds to successful bidders at the November 20, 2019 auction of surplus property (see resolution no. 19-168).

Consider signing independent contractor agreement for Public Defender Conflict Counsel with John Kormanik: Mr. Bazzoli said the fully executed agreement couldn't be located so this is just to make everything fully complete. Upon the motion of Commissioner White and second

by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreement for Public Defender conflict counsel with John Kormanik (see agreement no. 19-192).

Consider making reappointments to the Canyon County Planning and Zoning Commission:

There are three P&Z Commissioners up for renewal who have been serving and want to continue to serve. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolutions making reappointments to the Canyon County Planning and Zoning Commission. The following were appointed: Robert Sturgill (see resolution no. 19-169), John Carpenter (see resolution no. 19-170) and Sandi Levi (see resolution no. 19-171).

The meeting concluded at 12:08 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 22, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale – out of the office
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 11/25/19

The Board of Commissioners approved payment of County claims in the amount of \$23.00 for accounts payable.

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Right! Systems Inc. in the amount of \$1192.00 for the Information Technology department
- Imprint City in the amount of \$2798.18 for the Facilities department
- Pacific Steel & Recycling in the amount of \$7411.57 for the Parks department

- SBI Contracting Inc. in the amount of \$2195.00 for the Parks department

LEGAL STAFF UPDATE AND CONSIDER NOVEMBER 22, 2019 AGENDA ITEMS

The Board met today at 9:00 a.m. for a legal staff update and to consider signing the November 2, 2019 agenda items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell, Landfill Director David Loper, HR Director Sue Baumgart, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider Signing Notice of Sole Source Procurement for a Caterpillar Model D8T Tractor; and Consider authorizing the Landfill Director to Sign Purchase Order for Caterpillar Model D8T Tractor that is Contingent on Approval of Sole Source Procurement - Director Loper said this is the dozer he's been talking about for the last several months and for FY2020 he budgeted \$500,000 for its purchase. The reason for the sole source is because he is requesting a mechanical-driven dozer with a high drive so that the differentials and the final drives are out of the waste. Caterpillar is the only manufacturer of this particular design, and instead of buying a new dozer for nearly \$1 million he decided to purchase a good used dozer because of the application they use it in. It should last 10-15 years because they don't put as many hours on a dozer that they do on a loader or compactor. The transmission comes with a one-year warranty and there aren't any delivery costs. He needs this transaction done by the end of December because the price will go up in 2020. Brad Goodsell said the purchase order is contingent on the Board ultimately approving the sole source so this will come back for a hearing December 13 and at that time if the Board approves the sole source the purchase order will already have been signed and they will get this ready to ship because one of the conditions is this has to be shipped by December 27th. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the notice of sole source procurement for the Caterpillar Model D8T Tractor as presented. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to authorize Director Loper to sign the purchase order for the Caterpillar Model D8T Tractor that is contingent upon the approval of the sole source procurement because of the deadlines and the conditions that meet the sole source requirement in the notice.

Consider signing Renewal Agreement with Delta Dental – Mr. Wesley and Ms. Baumgart spoke about this stating it's a renewal to some extent. The Board recently signed the rate agreement for the year and when we returned that Delta asked us to sign a formal agreement which we haven't done before. The benefits have not changed, the only change was with the added benefit where people could get additional cleaning besides twice a year if the dentist recommended it, at no additional cost. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the renewal agreement with Delta Dental as presented. (See Agreement No. 19-193.)

Consider signing the Findings of Facts, Conclusions of Law & Order, Development Agreement, and Ordinance for the Ed Bowman Conditional Rezone Request, Case No. CR2019-0008 - The hearing was held on October 31st and the request was approved subject to changes and staff was directed to bring back the findings, and the ordinance, and development agreement on November 22; however, the applicant is not here today to sign the agreement. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reschedule the matter to Monday, November 25, 2019 at 9:00 a.m.

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

Note for the record: As properly noticed the Board met today at 9:18 a.m. for a legal staff update. A request was made to go into Executive Session to discuss records exempt from public disclosure and attorney-client communication, communicate with legal counsel regarding pending/imminently likely litigation; and to communicate with the County's risk manager regarding pending/imminently likely claims. The Executive Session was held as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:18 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 Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:48 a.m. with no decision being called for in open session.

Consider signing a resolution granting a new alcohol beverage license to Chop Shop, LLC, dba Chop Shop – Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to approve the new alcohol beverage license to Chop Shop, LLC, dba Chop Shop. (See Resolution No. 19-172.)

The meeting concluded at 9:50 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY RICH AND RHONDA PICKETT FOR APPROVAL OF THE PRELIMINARY PLAT, IRRIGATION AND DRAINAGE PLAN, AND FINAL PLAT FOR PICKETT PLACE SUBDIVISION, CASE NO. SD2018-0002

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by TJ Wellard on behalf of Rich and Rhonda Pickett for approval of the preliminary plat, irrigation and drainage plan, and the final plat for Pickett Place Subdivision, Case No. SD2018-0002. Present were: Commissioners Pam White and Leslie Van Beek, DSD Planner Deb Root, TJ Wellard, Rich and Rhonda Pickett, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Deb Root

gave the oral staff report. The applicant has provided a preliminary plat and final plat in accord with the development agreement. The dedication of right-of-way has been shown on the plat and the lots are divided in accordance with the development agreement requirements of approximately five acres, and although the lots are a little less than five acres it's because of the road right-of-way dedication. The preliminary plat, drainage plan and final plat have been reviewed for compliance with the county code and state statutes, and the checklist has been reviewed by staff and by Keller Associates. Staff has received the recorded water users' maintenance agreement for the irrigation plan. The development will consist of three residential lots, one which already has a home and accessory structures on it. The shared driveway access is in accordance with the highway district's requirements. There are no outstanding items that can be addressed at the platting stage. TJ Wellard testified the project will be served by individual wells and septic systems and that there is a joint access for the two new lots. Upon the motion of Commissioner Van Beek 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 Van Beek, the Board voted unanimously to approve the preliminary plat, irrigation and drainage plan and final plat for Pickett Place Subdivision and to sign the findings of fact, conclusions of law and order. The hearing concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:35 a.m. with the Security Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Security Director Joe Mueller, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, and Deputy Clerk Monica Reeves. Mr. Laugheed said it was his understanding there was the possibility of an executive session so he and Mr. Porter are present if they are needed; they are not here for Mr. Mueller's regular update. Commissioner White said the Board was going to be debriefed about an issue that occurred in the courthouse. Director Mueller said he had planned to provide information about the incident for awareness purposes. It was decided that an Executive Session should be held:

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

Commissioner Van Beek made a motion to go into Executive Session at 10:36 a.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Leslie Van Beek, Director Joe Mueller, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Mike

Porter, and Deputy Clerk Monica Reeves. The Executive Session concluded at 11:35 a.m. with no decision being called for in open session.

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

MEETING TO CONSIDER SIGNING ADDENDUM TO FY20 PICKLES BUTTE LANDFILL MONITORING WELL PROJECT

The Board met today at 1:31 p.m. to consider signing the addendum to FY20 Pickles Butte Landfill Monitoring Well Project. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Brad Goodsell, Landfill Director David Loper and Deputy Clerk Jenen Ross.

Consider signing addendum to FY20 Pickles Butte Landfill Monitoring Well Project: There were two sets of questions received from potential bidders. Director Loper and Mr. Goodsell reviewed and answered the questions. The addendum with answers will be sent to potential bidders that the original packets were sent to. A discussion ensued regarding the RFB and details about the project. Along with the addendum a cover letter will be signed by Director Loper. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the addendum to FY20 Pickles Butte Landfill Monitoring Well project.

The meeting concluded at 1:40 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 25, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale
 Commissioner Leslie Van Beek
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- BMC in the amount of \$3045.00 for the Parks department

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:06 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Tricia Nilsson left at 9:08 a.m., Chief Deputy Sheriff Marv Dashiell left at 9:22 a.m., HR Generalist Ellen Cahalan left at 9:22 a.m., Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing findings of facts, conclusion of law & order, development agreement and ordinance; Case No. CR2019-0008: Commissioner Dale made a motion to continue the signing to 9:00 a.m. on Monday December, 2nd so that the original documents can be obtained. The motion was seconded by Commissioner Van Beek and carried unanimously.

Consider signing a resolution to adopt the changes to the title, job description and salary change of one (1) position in the Sheriff's office for fiscal year 2020: Chief Dashiell explained that Lt. Schorzman will be retiring this week and along with his lieutenant duties he was also tasked as the Emergency Coordinator. Knowing that Lt. Schorzman's retirement was imminent they have planned for the emergency management tasks to be taken over by Christine Wendelsdorf. She will not be law enforcement officer, they are moving away from the lieutenants' position crossed over and requesting the job title change to Emergency Manager from Emergency Coordinator in the description and also for the PCN. Chief Dashiell provided a history of the position and how Ms. Wendelsdorf will be able to fill this role well. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to adopt the changes to the title, job description and salary change of one position in the Sheriff's Office for FY20 (see resolution no. 19-174). Further discussion ensued about the history of the Emergency Management position and the Board's role in selection of personnel and how that falls to each Elected Official.

Consider signing a resolution for a new alcohol license for V-Cut Lounge: Commissioner Dale said he has reviewed the application and sees no reason not to sign then made motion to sign the resolution. The motion was seconded by Commissioner Van Beek and carried unanimously (see resolution no. 19-173).

The meeting concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 9:40 a.m. for the monthly elected officials' meeting. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Assessor Brian Stender, Sheriff Kieran Donahue, Chief

Deputy Sheriff Marv Dashiell, Controller Zach Wagoner, Chief Civil Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, PIO Joe Decker, Sr. System Analyst Steve Onofrei, Julie Yamamoto, Rachel Spacek from the Idaho Press-Tribune, Wayne Hoffman from the Freedom Foundation, other interested citizens and Deputy Clerk Monica Reeves. Coroner Jennifer Crawford arrived at 10:13 a.m. Today's meeting topic is the City of Caldwell's request to establish a new revenue allocation area (RAA). A couple of weeks ago there was a vote taken to put it on hold until the Board had an opportunity to discuss the issue with all the elected officials who sent communication stating their desire that the Board delay action until they could discuss the ramifications of the RAA. Prosecutor Taylor said there are a number of questions that need to be answered and he looks forward to hearing what the city's intent is. Treasurer Lloyd spoke to city's legal counsel about her questions and she is still waiting for their clarification on those issues. The city did not include the flood district in their plan because it's outside the urban renewal district, but the Treasurer disagrees with that position. There are 58 PINS that are affected by the flood district and so she's identified those for city officials. They did, however, change the levy information that was discussed previously and now it appears to be correct as far as she knows. Commissioner Dale said the primary concern is how to mitigate the impact of an urban renewal district on the County's ability to budget for its needs. Two fundamental ideas have been put forth, one was the de-annexation idea that Assessor Stender brought up that was partially addressed in the last proposal, but it still left the decision point with the urban renewal board with no requirement. The second idea is similar to what the City of Nampa did with its present urban renewal district in exempting the Vallivue School District from that tax increment. In order to make that work there would have to be an allowance made for the fact that nearly all of this ground is outside of the city and the predominant taxes collected would be the Caldwell School District. The idea Commissioner Dale proposed was to look at that and have a flat rate of 30% or 20% of the dollars collected in that area which would normally come to the County, still come to the County which would allow us to budget with good predictability and know we're not going to be hurt by that urban renewal district. Commissioner Van Beek said she heard the \$88,000 a year that's collected in taxes on the \$20 million assessed value is going to continue to come to the County. What's the balance of weighing the growth and the termination of the RAA and the \$450 million that will come back and the County's portion of that against potentially no growth in that area without some type of a catalyst? Commissioner Dale said if we remove 20%-25% of their calculation they would still be able to complete the projects but it might take longer to reimburse the developers they anticipate will contribute by building the infrastructure first and then get reimbursed later. Commissioner Van Beek said it would impede their ability to develop the plan as they have outlined with their development timelines. Sheriff Donahue likes Commissioner Dale's idea and he said we need to protect the County and its financial needs because we have statutory mandates that we have to provide and to allow the city to take all the money out there and leave the County holding nothing is the wrong approach. Commissioner White said she believes the jail could be an economic driver for any area it's in, but she doesn't believe urban renewal is necessary, it's a 20-year albatross around the citizens' necks. Clerk Yamamoto agrees. Treasurer Lloyd said the Treasure Valley is facing serious issues and for us to send the message of we don't need this money is totally wrong. We have to fund mandated services. Sheriff Donahue is not a fan of urban renewal because the tax has to be made up by

someone else. The County owns land out there and we fought tooth and nail to keep it because there is no other land that will accommodate the jail needs. He questioned if the city has an alternate motive for that land. Clerk Yamamoto said the Board is being pressured to get this done because with the limitations within the law it has to be done by December 3rd so they can retroactive into 2019. The County needs to take some time and fully vet this. There was discussion regarding the city's notification of property owners within the area. The Sheriff spoke of how they are getting more pressure to provide patrol services and detention services and they are tasked with coming to the Board to request additional personnel. Discussion ensued regarding the rise in property taxes. Clerk Yamamoto said if the Board approves this new RAA it's anti-taxpayer. Sheriff Donahue said Representative Mike Moyle said last week that counties aren't doing a good job budgeting but they'll have to do better and tighten their belts, and he's also of the opinion that counties need to stop accepting state inmates but the Sheriff said there is zero logic in that statement as the counties are mandated to accept state inmates. The County needs to slow down until we know the details of the RAA. Assessor Stender said people are concerned about their property tax bill and he sees this as hampering the ability for property taxes to be reduced. We will see growth happen in the area and he believes this urban renewal will accelerate it and when we have some of those industrial facilities it will help reduce the levy rates, but 20 years is a long time for property owners to see a reduction in their taxes. He's reviewed the plan and he has a lot of concerns, one is about the parking garage that's included in the plan at a little over \$7 million, and the other is the cost for remediation of property. Commissioner White also questioned the remediation of gravel pits and why taxpayers would pay for that. Assessor Stender said the more he looks at the plan the more questions he has and he believes we should address that with the city this afternoon. There was further discussion regarding the city's project costs and plans for annexation. Zach Wagoner said once it's annexed into the city it won't generate money for the city, it will generate money for the URA and the County levy will not go away, it will be in addition to and on top of the County's levy. He's heard the number \$88,000 mentioned today, but that number is not correct, it's based on old levy rates. The correct number for the County's share of the base would be \$75,000. His concern is for the property taxpayers. The County carries out mandated services and if this area is designated as an RAA those incremental taxes are diverted away from the taxpayers and the County. Commissioner Dale's idea of a revenue split is a great idea and that idea works if there's no growth there's nothing to share. The current RAA has roughly 3,000-4,000 residential properties and we levy \$250 per resident so with 10,000 residents in the current RAA the cost to provide services is \$2.5 million. The County receives \$350,000 in base property tax so the need for services is \$2.5 million and the revenue is \$350,000 that's over a \$2 million shortfall that has to be made up of taxpayers outside the RAA. When it expires in 2023 we could potentially receive a new construction boost, but what are we doing for those taxpayers today. Prosecutor Taylor said there's a lot of wisdom in slowing the train down and said it might be prudent to have the urban renewal board meet with the elected officials and answer those questions. We've had many conversations about trying to develop a long-term Canyon County strategic plan, but if we don't even know what our plan is why are we going to commit to 20 years of urban renewal. Commissioner Dale said we have a 2:30 meeting today with the city and it will give us a chance to ask those questions. Commissioner White does not think this proposal is necessary. The City

of Caldwell is innovative and they have used urban renewal in a good way and the growth won't stop if we don't approve a 20-year urban renewal district. It's time for us to grow on our own merits and our own means. She hates urban renewal; usually the intent is good and the purpose is valuable, but it's complicated and misunderstood and it's misused and abused. She said the legislature has put that tool (urban renewal) in the County's finance basket, but they won't allow a local option tax. Commissioner Dale said the legislature allows us very few tools to use and we have to maximize the effectiveness of those tools and determine how to work those tools to their greatest maximum production for the needs we have to provide. His intent is to hold the County harmless as much as possible in this type of setting. There are some needs in that area that are blighted and will need some incentive to address those needs and as long as the County is held harmless he is okay with it. He agrees with Commissioner White in that it's interesting the legislature allows counties to do things with property tax but they won't allow us to ask our voters if they would impose a 1% local option sales tax. The state needs to allow other buckets, don't diminish the one we have. Commissioner Van Beek said there have been good questions brought forth and we want to do the very best job for the cities and the counties and she's looking forward to strengthening partnerships. Commissioner Dale invited the elected officials to attend this afternoon's meeting with city officials. The meeting concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – PRELIMINARY PLAT FOR OAK RIDGE ESTATES

The Board met today at 1:33 p.m. for a public hearing in the matter of a request by Corey Blaine for a preliminary plat and an irrigation and drainage plan for Oak Ridge Estates Subdivision, Case No. SD2019-0028. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Planner Jennifer Almeida, Jay Walker, Corey Blaine, Brett Wilson, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. This property is zoned R-1 (Single Family Residential) and is located within a nitrate priority area and part of the platting of this site is a level I nutrient pathogen study had been submitted. The project contains 27 residential lots and 3 common lots and will utilize individual wells and septic systems, and it will utilize pressurized irrigation and internal public roads. Keller Associates has reviewed the plat. The P&Z Commission has recommended approval and staff is also recommending approval with the conditions of approval. Jay Walker testified in support of the request stating the developers are excited to bring larger estate lots that will beautify the area. Oak River Homes, LLC, has capability of doing some of the infrastructure improvements and they also build a great product and they will ensure a high quality product. They have responded to the substantive comments from the County engineer and made corrections to the preliminary plat and plans accordingly except for those ongoing conditions that will be part of the approval of the plat. They have done due diligence and addressed the highway district's comments on access and are agreeable to the additional right-of-way to accommodate the collector road status of Freezeout Road in fronting this property. They have addressed the nitrate priority area and have done extensive soils and ground water testing and have met with the Black Canyon Irrigation District and are expecting approved plans for irrigation. The Bureau of Reclamation has approved it, they're just waiting

for the consent to use. The developers are agreeable to a pressurized irrigation system that will provide risers to the lots, including the open space lots. They have met with the neighbors to the south and west to discuss plans for the project. Following his testimony Mr. Walker responded to questions from the Board. Brett Wilson stated they are going to landscape the common lots which will have irrigation risers. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner Dale said it looks like all approvals have been met, and it's in order and the drainage plan has been explained and it sounds like it's up to code. Commissioner Van Beek supports approval of the preliminary plat. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat, irrigation and drainage plan and sign the findings of fact, conclusions of law, and order for Oak Ridge Estates Subdivision. The hearing concluded at 1:59 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH CITY OF CALDWELL TO DISCUSS URBAN RENEWAL

The Board met today at 2:31 p.m. with the City of Caldwell to discuss urban renewal. Present were: Commissioners Pam White, Leslie Van Beek and Tom Dale, Clerk Chris Yamamoto, Coroner Jennifer Crawford, Treasurer Tracie Lloyd, Assessor Brian Stender, Chief Deputy Sheriff Marv Dashiell, Deputy P.A. Zach Wesley, Controller Zach Wagoner, PIO Joe Decker, Director of Security Joe Mueller, Attorney Mark Hilty for the City of Caldwell and the Urban Renewal Agency, Doug Waterman for the City of Caldwell/Urban Renewal Board, Rachel Spacek from the Idaho Press Tribune, Other concerned citizens, Steve Onofrei arrived at 2:36 p.m., Sheriff Donahue arrived at 2:41 p.m., Larry Olmsted, Hubert Osborn, Larry Stevenson and Deputy Clerk Jenen Ross.

Commissioner White asked about the reclamation of a gravel pit with the use of urban renewal monies. Mr. Hilty said the area has some fairly extensive un-reclaimed mine sites which will be problematic to rehabilitate. It is a huge disincentive to redevelopment and the idea was that at some point the agency in this new area may acquire those sites from the property owner who probably can't make the numbers work in the foreseeable future to filling or converting those sites and there would be some funds available if there needed to be help in moving and hauling dirt or creating ponds and recreation areas. It's not available for the money to be paid over to private individuals for their own improvements, it would only be available if that property was acquired by the agency and then there might be some money available to help it into whatever its next highest and best use is. At that point the agency would divest itself of the property unless it would have some kind of public use. If it were going to be sold to a developer for residential uses the agency would then have to sell it and the law is that it would have to be sold for its fair value. Mr. Hilty said in that area there is one pit that is just beginning, there is an 80 acre pit that he believes is mined out and then there are additional pits that are north of Hwy 20/26 so of the approximately 850 acres there is a significant portion that have been sitting as un-reclaimed mine sites for many years and that looks like it'll be the future of those properties without some funds

available. Commissioner Van Beek clarified that it really is an effort to help catapult that development forward in this plan and not to leave it as an unclaimed abandoned pit.

Commissioner White said a citizen question came up in the morning meeting about urban renewal funds being used for Caldwell High School. Mr. Hilty explained that there was an amended plan from 2014 in order to try to work with the taxing districts that were affected by the reallocation of tax dollars. This was the school district's effort to address its recreation facility, primarily sports and theater. It was the opinion of the Commissioners at the time that it met with the plan both in terms of assisting taxing districts affected by reallocation and met the plan language for recreational facilities. That project came forward under a 1998 plan where there was greater flexibility in terms of establishing and pursuing plans. In the new plan it would not be allowed. At the request of Commissioner Van Beek, Mr. Hilty spoke about the TVCC building in downtown Caldwell and the benefit it has provided to the community. Additionally, he spoke about how the building is being rented to TVCC and that they pay a lease payment to the agency. The building will be transferred to the City of Caldwell, which is common when a revenue allocation area sunsets.

Another question from the morning meeting was about the exit strategy for the current plan. Mr. Hilty said from a practical standpoint they forecasted revenue and they're looking for projects; the plan is to spend the revenue on urban renewal projects. Mr. Waterman said there are two years left on the current plan and the wind-up procedure is all lined out in the code. At the point the agency determines they have enough funding to complete all of its projects already planned then they will send notice to the tax commission and that will terminate the plan. The thing that triggers it is having sufficient revenue to cover the outstanding projects. Commissioner Dale said that although he is not intimately familiar with the Caldwell urban renewal plan he is very familiar with the Nampa's urban renewal plan which states that when the projects as outlined in the plan at its inception are completed and paid for the urban renewal district sunsets. His understanding here is that Caldwell is looking for projects to spend the money on and assumes the projects outlined in the plan have been completed. Mr. Hilty explained that the plan is to spend the urban renewal dollars on urban renewal projects – those projects are not spelled out in the existing plan in the same level of detail as the plan asking to be considered today because there has been a change in the law. The 1998 plan spoke to projects in very general terms so as long as the agency can find projects that fit those parameters then they're going to pursue those. Under the new plan you have to articulate your project and cost estimates, additionally there are restrictions on amending the plan. One of the challenges in crafting the new plan is that it is an inexact science in trying to forecast revenue and project costs 15 years from now. They've tried to think very broadly to provide decisions makers at that time options. When the projects that have been outlined here are done, which could happen sooner rather than later depending on when the development starts and how soon the increment starts to come in and how soon the property is annexed into the city because that will affect the amount of allocated revenue. If that happens very quickly and they get to the end of their project list then they're done. They can amend the list to add projects which would reset the base assessment; it's not an unreasonable thing to consider when you've reached the end of your planned projects. Commissioner Dale

asked if it has ever been considered to return the money to the taxing entities once all the major goals have been accomplished and sunset the urban renewal agency this year. Mr. Hilty said the plan was made by the Commissioners that they were going to consider projects. Commissioner White asked if giving the money back to the taxing districts is something that could be done legally by the urban renewal district. Mr. Waterman said the method for ending a plan is when cost hits revenue. When you have revenue beyond projects costs it is his understanding that it is returned to the taxing districts but it offsets budget in that year and because new construction doesn't roll in in that year it would drop levy rates in a given year when new construction can be utilized to adjust budgets upward and then in the following year levy rates would spring back up but you would have less new construction. In response to a question from Commissioner Van Beek, Mr. Waterman said they have set out projects, there is dollar amount associated with the projects and at some point in the future the dollar amount is changing as construction costs change but as they hit that dollar amount with revenue they must notify the tax commission and terminate the plan at that point, they don't have the same control as they do in the current plan. Commissioner Dale said it was clear to him that there are questions from this morning's Elected Officials meeting that they would still like to have answered. He said that the Assessor asked earlier about the identified project of a parking garage, he feels maybe that was put in there just in case there was more money but doesn't think you'd put a parking garage in this area as there really isn't a need for one. He feels it may just be a way to keep the plan rolling and collect more money. Mr. Hilty said it's been clear in substance what they've been trying to do for over a year and the plan has been delivered in draft form for months, they are happy to try to answer questions that were raised this morning but wish they would have been asked at a better time. The parking structure may prove to be a very viable, very important thing in this area depending on how it develops. It's a 20 year plan, we don't know. Right now it doesn't look like it is something they're likely to get to or is going to make sense to do – that may very well be the case and he understands why it raises eyebrows. The reason it's in the plan is because if they don't put it in the plan they can't build it. So they are trying to hedge, under the existing law, against what the features that might be wanted or desired in this area in ways that are difficult to see at this time. It might not be a project that makes sense. It may be a critical project – we just don't know at this time. They do know this, if they don't make a plan and estimate for it, it's not a possibility. When they were here before Mr. Hilty believes they were candid that this particular project may not get done but they are trying to work thru the plan under the rules that have been given by the legislature which are difficult when they want them to forecast valuable important projects and costs 20 years into the future.

Commissioner Van Beek asked about flood district 11 and the taxing districts contained in there and asked Mr. Hilty to talk about how that is levied – by acre, by value and then the impact of those 58 parcels and what's been assigned there and the impact on the overall project. Mr. Hilty said to the extent that there are minor issues that have been overlooked in the plan or things that need to be tweaked, that has always been a possibility, in fairness there have been requests that they can't accommodate. If we've overlooked something and if this is being brought forward constructively and in good faith then they can certainly adjust the plan or they would have been able to prior to the hearing that they hoped would take place on December 16th. There may be

some things in the plan that need to be adjusted even after it's adopted. The code allows you to amend your plan to address ministerial type issues, oversights and make those kinds of corrections, they are open to friendly, open, constructive, encouraging criticisms that can be added to the plan. Mr. Waterman said he received an email with a couple questions and was able to speak with Mr. Waite this morning about those and he is still trying to verify whether or not the flood district qualifies as a taxing district as defined in the urban renewal law. This is the type of cooperative, ministerial change that they were expecting at this point and are more than happy to make.

Commissioner Dale said a couple questions that were brought up in the last month were in regard to school district levies as school district bond levies are exempt from increment financing and it appears that was not backed out of the revenue projection stream. Mr. Waterman said supplement bond levies post 12/31/07 are exempt, that was known by Mr. Waite while creating the feasibility study and he factored that into the numbers. He has listed the total levy rates in the page that you've seen but was aware of the limitation on revenue generated by school bond levies when he put together the feasibility study. Commissioner Dale asked about levy rates as ground becomes annexed into the city. Mr. Hilty said the base assessment roll, which is the current valuation out there, is not static during the life of the agency. Much of the property has agricultural exemptions on it and to the extent that the underlying dirt increases in value as a result of urban renewal activity that will increase the base assessment roll for the taxing districts. As it comes into the city it certainly may increase in value as a result of that as well. Taxes go up because now you have the city's tax increment assessed against the property as well. The base assessment roll does not mean that the county is not going to see increases in value. Commissioner Dale said as whatever gets annexed into the city now becomes the city's levy rate which gets captured by the urban renewal district. Mr. Waterman said the way that was estimated in terms of when the annexation would take place and when the increased levy rate would apply is when development occurs. So as a property is developed the assumption is that it will annex so the cost for services for that will be the city's and the city will be applying its levy rate to that as well. Commissioner Van Beek said there has been some proposal to hold 25% of the county's portion of that and then that's tied to the de-annexation language in there, when we're talking about de-annexation and withholding a percentage of the county's tax line there has to be something in place, she asked Mr. Hilty and Mr. Waterman to address the impact of what that would be and then how that may or may not implode the project in seeing the completion of that. Commissioner Dale clarified stating that the idea of exempting a certain percentage of the increment to hold the county harmless is not tied to de-annexation of properties within the district, those are two separate ideas. The idea that has been discussed here is not to totally exempt the county's portion of the increment because in the unincorporated section of the district, which is most of it, most of that dollar goes to the county, none of it is going to the city right now so that would be unrealistic because you would not build any increment for the district's projects so the question as it relates to the normal process of taxation within the city limits of Caldwell, depending on which school district you're in, about 25-30% of the total tax bill goes to the county. His desire in all of this discussion is to hold the county as harmless as possible so that the elected officials can have a plan to budget and an expectation that they're going to see this increase revenue from increased

value before the end of 20 years. The idea is to do something similar to Vallivue but not the entire portion because he thinks that would be unreasonable. He realizes that would take some recalculations on the revenue projections, applying those projections to the project list and looking at what the timetable would be. Mr. Hilty said he understands those as being alternate proposals, he said they can accommodate to a certain extent, evaluation of what it means to de-annex properties after they're developed and after the incentivized infrastructure has been refunded to the company - that is something that they have put in the plan at the request of the county. He can't guarantee anything, it will have to be evaluated on a case by case basis in the future as those properties get to the point that they've been fully reimbursed because it has to be looked at based on its impact on the entire plan, it's a very difficult thing to guarantee and they did what they could. In respect to carving out a chunk of revenue for the county, what he has been told by the client is that it's not possible for them to do that and do the current plan. It affects the feasibility study profoundly - most of the revenue early on is county re-allocated dollars. That can't happen with this plan, whether it can happen under a future plan, he doesn't know. It does not look at this point that they're going to get approval from the county for the plan for the Caldwell North Urban Renewal Area and he suspects that there will be some regrouping after the first of the year. They are committed to economic redevelopment in the county so there will be something happen. Whether that means they have to look at annexing property, if that's possible, or looking at property that is wholly within Caldwell that's a possibility, or wait and try this again in the future or decide to carve out revenue for the county - he doesn't know, those decisions have not been made. There is a high level of frustration with his client. Everyone understands urban renewal and what they were doing and until the middle of October they didn't hear anything. They thought there was an understanding with the Commissioners and where they go in the future with their economic redevelopment efforts they don't know. Commissioner Dale said he has heard very clearly from the other elected officials that the county needs to understand the full implication and that the desire is to hold the county harmless so that as we have growing needs, especially in public safety and other needs where we'll see increasing costs, that they'll be able to count on that into the future and that's the guarantee that's been talked about. The simplest way to do that is to find the right number, realistically if the county decided to opt out it'd be closer to 50% but in his mind that would kill any effectiveness of an urban renewal district or revenue allocation area because you wouldn't get enough to do anything. Although it may take a little longer to do the incremental reimbursement for the infrastructure, which he believes needs to happen and the plan to incentivize that by reimbursing the developers who would put that infrastructure in there he thinks is right on. It might take a little longer to repay that if there was 20% removed, he'd like to see what that looks like, how it would affect the project list - from what he saw on the project list the basic infrastructure needs of water, sewer, roads and those kinds of items would still be able to be accomplished. There may be some more aggressive projects that might have to be scaled back, but it doesn't kill the whole thing, it "recrafts" it but it still makes it an effective economic development tool so that is what he'd like to see. He is a proponent of Urban Renewal and the way that it has helped cities as an economic tool when there are so few tools to utilize.

Commissioner Van Beek asked for clarification about the 20% carve from the county regarding it killing the deal.

Commissioner Dale said it does not kill a project, it implements the requirement to revamp the plan so the present plan would have to be redone to see what the impact would be of that kind of deal. It doesn't kill a project, this is a list of projects within a plan.

Mr. Hilty said that if that is a requirement now for this plan it will kill it. Whether a different plan accommodates it he doesn't know.

In response to a question from Commissioner Van Beek, Mr. Waterman said some of the attachments have been undergoing ongoing amendments as the property changes and they receive consents. They would make sure those were current right up until the plan is adopted so that the plan has the most current representation of the area.

In regards to the statutory requirement to contact land owners Mr. Hilty said there are a couple requirements – if there is active agriculture (cultivated within the last 3 years) then the property can only be included with the consent of the property owner. They have reached out to those owners and there are a couple that were not interested and have been excluded. There is a statutory requirement for public notice which will be an advertisement in the newspaper. Statutory requirements have been met. Mr. Waterman said notice of the final hearing has not gone out because prior to notice of the final hearing going out the Board would have to approve the documents before them today. At that point notice would go out which would have to be 30 days prior to the final hearing.

Commissioner Van Beek asked Mr. Hilty and Mr. Waterman to speak to the estimated job creation and what it will do for the average income for this area.

Mr. Hilty said the agency and the city feel very strongly that the existing urban renewal agency has been a profound success. They want to do the same thing, they want to keep this going. They want to create the jobs, they want to increase the property values and he believes there will be \$600M of properties coming onto the tax rolls as a result of urban renewal activity. For those who say that that development would have occurred anyway and could have been on the tax rolls all along – they're wrong. They've dealt directly with many of those large companies and some of them looked globally at where they can put their companies and they're looking towards what incentives they have and what the lifestyle is for their employees; they're interested in what's happened in downtown Caldwell. It factors in to where they want to move. They feel they can achieve in this area what they achieved at Sky Ranch, that's the goal. As far as jobs go, they are largely manufacturing jobs, they pay above a living wage and believes they pay above the median income in Canyon County and the hope is that they will see a job density of about 10 jobs per acre. They want to see both capital investment that grows the tax base as well as the well-paying jobs.

Mr. Hilty spoke about how the growth in the north area within a mile of downtown Caldwell has not significantly developed today. It has been used for agricultural use over the years but much of it has been used for gravel extraction and is now not used at all. There are significant hurdles to development out there for infrastructure purposes. Having spoken to property owners in the area, there is no clear annexation path into the city. That's why this area was identified, it needs help.

In response to Commissioner Van Beek's question about businesses being interested in coming to this area should site ready plans be available Mr. Hilty said the belief is that this area will not significantly develop without the assistance and incentives that can be provided thru urban renewal.

Commissioner White asked the reason for starting a new urban renewal district when the current one has not sunset yet. Mr. Hilty said that primarily they are largely out of room in the existing urban renewal area and that the incentives that are provided thru the existing urban renewal area are what brought those companies here. The room to attract industrial users is what's gone and that's the problem, they need a larger inventory of property that can be considered shovel ready for attracting industrial users.

In response to a question from Commissioner Van Beek, Mr. Hilty addressed the cost of legal services and direct administrative cost for economic development.

Commissioner Dale said he would like to find a win/win for everyone. He believes this area needs some help and an urban renewal revenue allocation area is a good tool to provide that help. He doesn't disagree that without some sort of help it would be a lot longer before anything happens out there. In his mind it doesn't kill the plan but it's a reshaping of the plan. The infrastructure needs have been identified and clearly laid out so that wouldn't need to be revisited, nor would the project cost estimates and that the total amount of revenue is still relevant. He wants to take a look at what it does to the list of projects and what it does to the timeline. The amount of money available that would go to the urban renewal district needs to be refigured if there was 20% - 25% that would be guaranteed to be given to the county as part of an ongoing win/win plan. That is the part that would need to be recalculated. With that being stated and requested, the retroactive back to 2019 wouldn't happen this year, it would start in 2020. He wants to see this area developed, it's good for the county and the city.

Commissioner Van Beek asked about the plan being retroactive. Mr. Hilty said the law provides that the base assessment roll is set at the value of the properties on January 1 of the year in which the agency is created.

Commissioner White asked Mr. Hilty if his clients have any desire to engage in discussion regarding the 20% or 25% that's been discussed. Mr. Hilty said he couldn't answer that. Commissioner White followed up asking if his clients are willing to attempt to get the information in regards to the 20-25% and come back and talk about it or if that is a deal breaker.

Mr. Hilty replied stating that documents were delivered in August and asked that they be approved in September. They gave a deadline of November 14, so the work that went into a year and half doesn't look like it's going to fly. The city is frustrated and upset and it's because they thought they had support for two years. He doesn't think they can provide that information in a timely manner. He said they will probably regroup and look at other options.

Commissioner Dale said his assumption was that today's discussion was about how to move forward. We know that residential growth doesn't pay for itself and with that being said the cities and counties depend on the industrial growth to basically subsidize the services for those residential properties. At this point he would like some of the calculations done.

Commissioner Van Beek thanked everyone for showing up and for the partnership with the city.

Commissioner White said she could make a decision but will weigh to the need for the others to have the information and for Mr. Hilty to speak with his clients to find out if it's a deal breaker or how it can be worked out and presented again and have it come back.

The meeting concluded at 3:41 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

NOVEMBER 2019 TERM
CALDWELL, IDAHO NOVEMBER 26, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale
 Commissioner Leslie Van Beek – out of the office
 Deputy Clerk Monica Reeves / Jenen Ross

APPROVED CLAIMS ORDER NO. 11/27/19

The Board of Commissioners approved payment of County claims in the amount of \$10,174.46 for accounts payable.

APPROVED CLAIMS ORDER NO. 12/6/19

The Board of Commissioners approved payment of County claims in the amount of \$2535.50 for accounts payable.

APPROVED CLAIMS ORDER NO. 12/10/19

The Board of Commissioners approved payment of County claims in the amount of \$72,080.77 for accounts payable.

APPROVED EMPLOYEE STATUS CHANGE FORM AND/OR KEY & SECURITY ACCESS REQUEST FORM

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order(s):

- Motorola Solutions, Inc. in the amount of \$28,501.26 for the Fleet department

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

The Board met today at 8:32 a.m. with the Directors of Facilities, Information Technology and Security to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Tom Dale, Director of Security Joe Mueller, Assistant Director of Facilities Rick Britton, IT Director Greg Rast, Assistant Director of IT Eric Jensen and Deputy Clerk Jenen Ross. Commissioner Dale asked about an entry door not closing properly; Mr. Britton said he would take a look at it.

Mr. Britton updated the Board on the following:

- The vault in room 201 has been demoed out which took about a week.
- The Facilities staff is working on getting the grounds cleaned up.
- Pod 6 update: A Gantt chart has been received from ADS. He has been working with Director Rast to make sure all the communication items are in place. Hoping to start pulling camera and TV wire next week although they don't want to do too much too soon so it doesn't get damaged. ADS will not make the November 30th deadline and he anticipates it taking at least another 3 weeks. Pre-work on the PLC unit is being done by IT but it hasn't been installed yet. The perimeter fence will be started the week of December 9th. Work on the rec yard should be started Monday and the hope is to have it completed by the end of the week. Facilities, IT, and the jail captain meet weekly and facilities, Captain Ward and ADS meet daily. He doesn't anticipate too much for unforeseen costs at this point. He hopes to have the power hook-ups done by the end of next week. A fire inspection will happen today at 10:00.

Director Rast updated the Board on the following:

- IT recently met with Telmate regarding the wiring for inmate phones and wireless access points in Pod 6 which should happen this week. He spoke about the space available for all the IT equipment and timelines.
- He spoke about asset management which means tagging any computer equipment over \$250 and then they will bring in a new system that will track all the equipment. In addition to be able to track he'll need to work with facilities to get all the rooms and offices numbered/identified. He spoke about Chromebooks that are being purchased outside of IT. Commissioner White requested that Director Rast meet with the elected official where the Chromebooks are being used. He would like to get on the elected officials' meeting agenda to speak about asset management. Commissioner Dale asked if the Board could make policy about the Chromebooks being purchased, Director Rast suggested that could be a conversation for executive session.

Director Mueller updated the Board on the following:

- He had his final meeting with his final elected official this past Friday and is about 45% done with the verification business of the 17 county locations.
- Surveillance video is now centralized in his office and out of IT's purview.

The Board would like to allow more time for this meeting and continued it to 11:00 a.m. The meeting concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Tom Dale, Director of DSD Tricia Nilsson, Deputy P.A. Jim Cornwell, Deputy P.A. Zach Wesley, Todd Lakey left at 9:15 a.m., Representative for MAMLS, LLC left at 9:15 a.m. and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider request for reconsideration and mediation in Case No. CR2019-0001, MAMLS LLC:

Zach Wesley said the request has several different points on which the reconsideration is being requested. Mr. Wesley read into the record a letter that will be sent to Mr. Ertz with Logan Copple P.C. addressing each point. A copy of letter is on file with this day's minute entry. Commissioner Dale made a motion to deny the request for reconsideration and mediation in case no. CR2019-0001 for MAMLS LLC and authorize the letter drafted by the legal staff to be sent to Mr. Ertz. The motion was seconded by Commissioner White and carried unanimously.

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

A request was made to go into Executive Session as follows:

Commissioner Dale made a motion to go into Executive Session at 9:16 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records that are exempt from public disclosure and attorney-client communication and to communicate with legal counsel regarding pending imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Tom Dale, Deputy P.A. Zach Wesley, Deputy P.A. Jim Cornwell, DSD Director Tricia Nilsson (left at 9:50 a.m.) and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:55 a.m. with no decision being called for in open session.

PRELIMINARY PLAT AND IRRIGATION AND DRAINAGE PLAN FOR BLACK ACRES SUBDIVISION, CASE NOS. 2019-0019 AND SD2019-0020

The Board met today at 10:04 a.m. to conduct a public hearing in the matter of a request by Guy Jones of Alliance Building, LLC, representing Steve and Verta Black in their request for a rezone and approval of the preliminary plat and irrigation and drainage plan for Black Acres Subdivision, Case Nos. 2019-0019 and SD2019-0020. Present were: Commissioners Pam White and Tom Dale, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Derritt Kerner, Guy Jones, Steve Black, Verta Black, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. There are two application requests, one is for a rezone from an “R-R” (Rural Residential) zone to an “R-1” (Single Family Residential) zone, and the other is for the preliminary plat for Black Acres Subdivision which consists of 26 residential lots, with an irrigation and drainage plan. The area is zoned is rural residential, the area around it is predominantly agricultural zones and the City of Middleton. Rezones have been approved between the years of 2013 and 2018, most are R-1 zones and R-2 zones. The R-2 zone had a conditional approval but it’s starting to see this change to an R-1 zone. There are 32 subdivisions within the area with an average lot size of .99 acres, seven are within City of Middleton. Forecasts indicate a growth of over 300 houses between now and 2040 and as city services are provided it’s likely the forecast will change. The soils are moderately suited, and prime farm ground if irrigated, however, this is already zoned residential. The property is within a nitrate priority area, however, the subdivision will be connected to city services. The developers are proposing 26 lots and one common lot for a sewer lift station. The project will be served by a public road except for three lots that will have a private road. The average lot size is .51 acres. City water and sewer will be provided. There is an agreement with the city that they can provide the developer the services subject to annexation when it’s available and agreeing to requirements for putting in dedication of roads, and paying their fair share of fees required for the future buildout of that area. The fire department is providing adequate water flows through the city and providing hydrants throughout the subdivision; irrigation is proposed through the Black Canyon Irrigation District. Staff is recommending approval subject to the conditions of the preliminary

plat. The applicant has agreed to pay their impact fee to the city as per their agreement. Guy Jones testified that he is a developer from Middleton and he spoke of the importance of developing responsibly. Even though this property is located in the County they started the process by going to the City of Middleton and discussed the city's future plans for road expansion and what their vision for growth was because they wanted to make sure they are conciliatory towards future growth plans. They have entered into an annexation and utility agreement with the City of Middleton and have agreed to pay impact fees. He will bring the water line 1,500 feet to the site. The city is just one parcel away from annexing the subject property so Mr. Jones wanted to make it easier for neighbors to continue sewer and water down Purple Sage Road. On the north side of Purple Sage Road the homes were built some time ago and the fire department did not require those homes to have sprinkler systems so fire suppression is a major concern and with this project bringing in hydrants and water services it will make it a lot easier for the fire department to hook up their trucks to city water. The lots for this project are one-half acre, some are larger, the site flows well and the ingress/egress is going to be conscientious of traffic flows. They did not do a site ingress/egress off Purple Sage because it's already heavily utilized by bussing and agriculture so they came out on Cemetery Road. They have agreed to give the adjacent homeowners an access road. They will pay to have the road paved and utility services brought out so they can tie in to city water and sewer if they want. According to Mr. Jones, the city is happy because they have agreed to pay impact fees for future road improvements as well. Derritt Kerner testified they are going to provide pressurized irrigation for every lot. All drainage will comply with Canyon Highway District; they will have sewer and water within and a sewer lift station in the north end. They will build it as high as they can so when the trunk line sewer is brought in the lift station can be taken offline and everything will gravity flow off the site. The City of Middleton will take the lift station on, which will make upgrades a possibility. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner White said this is the way organized growth should be done and the planning and preparation the developers have shown for the surrounding area is impressive. Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to approve the ordinance for the rezone, Case No. RZ2019-0019, and authorize the Board to sign the findings of fact, conclusions of law and order. (See Ordinance No. 19-050.) Upon the motion of Commissioner Dale and the second by Commissioner White, the Board voted unanimously to sign the findings of fact, conclusions of law and order for the subdivision, Case No. SD2019-0020. The hearing concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:03 a.m. for a continued meeting with the Directors of Security and Information Technology to discuss general issues, set policy and give direction. Present were:

Commissioners Pam White and Tom Dale, Director of Security Joe Mueller, IT Director Greg Rast and Deputy Clerk Jenen Ross.

Director Mueller continued his update with the following:

- His meetings with the elected officials went really well. He spent anywhere from 30 minutes to 4 hours interviewing and/or touring. He spoke about some things that can be done out at the Landfill to protect and secure some of the assets such as the microwave towers and test wells. The Board would like to see the Enterprise fund used for the security upgrades at the Landfill.
- On October 17th he started the process of opening a job posting for a security coordinator position.
- All the CCTV are now piped into Director Mueller's office and he has asked Mr. Decker to forward all video requests to him.
- Security department webpage is up on the public website and the internal portion will be coming later.
- He is preparing a presentation to outline his two highest priority security issues which are lone worker support and roving patrol protection to have a presence on campus, evenings and weekends. He considers this phase one to take place November thru March.

Director Rast said he plans to call a meeting with all the department administrators next week to discuss asset management before going to the elected officials' meeting. Commissioner White suggested starting with the elected officials first or at least reach out so they are aware of the meetings happening.

The meeting concluded at 11:33 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:34 a.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Tom Dale, Landfill Director David Loper and Deputy Clerk Jenen Ross.

Director Loper updated the Board on the following:

- Waste amounts were down 5.79% for October 2019 vs. October 2018.
- CUP/Site Certification: site certification footprint needs to be increased to get the correct land use decision for expanding the footprint, once that's done he can do the site certification thru DEQ. Commissioner Dale asked about shutting down the public access for the motorcycle park area. Director Loper said it will depend on how we move forward

over the next couple years. A lot will depend on how they need to take the truck may determine how/when/what they close down.

- Dust Control: He is investigating to see if the well on the Stuart property could be used to help with dust control. He will need to look into changing it from a domestic well to commercial so it could be a back up to the canal water.
- HHW Collection: will take place December 11, 2019 at the O’Conner Fieldhouse. He will work with Mr. Decker on getting the word out.
- Tetra Tech work authorization: Director Loper is authorized to sign but likes to review with the Board prior. This authorization is for \$12K for work to be done per the contract.
- Dozer FY20: The procurement of the dozer is in process and the public hearing will be next month. A used one had been located in Washington that has been maintained by Caterpillar and another municipality. It is a 2015 w/6000 hours but it has been completely redone with a warranty on the transmission and should last for many years. The price being asked is \$460K but Director Loper anticipates getting \$50-60K for the current dozer which they will auction once the new machine is here which he hope to have before the end of the year.
- PB-16 new monitoring well: the RFB is in process now and he hopes they will receive a couple of bids for the project.
- Operations Plan: due to implementation of the tarp system and updating the petroleum contaminated soil process it has to be put out from public comment.
- Tarp: His plan is to utilize a tarp for half the fill so that only half the fill will be covered by dirt each day. Eventually it will pay for itself in savings of fuel, machine expense, time and the air space will be better utilized.

The meeting concluded at 12:01 p.m. An audio recording is on file in the Commissioners’ Office.

NOVEMBER 2019 TERM

CALDWELL, IDAHO NOVEMBER 27, 2019

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale
 Commissioner Leslie Van Beek – out of the office
 Deputy Clerk Monica Reeves / Jenen Ross

MEETING TO CONSIDER INDIGENT DECISIONS

The Board met today at 8:48 a.m. to consider indigent decisions. Present were: Commissioners Pam White and Tom Dale, Hearing Manager Kellie George and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2020-0087, 2020-0011 and 2020-0070. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days.

Commissioner Dale made a motion to issue an initial approval on case no. 2020-0085 with written decision within 30 days. The motion was seconded by Commissioner White and carried unanimously.

Case no. 2019-927 was taken under advisement for a decision in 30 days. Commissioner Dale made a motion to issue a final approval with written decision within 30 days for dates of service of May 5th thru 9th received in a timely manner. The motion was seconded by Commissioner White and carried unanimously.

The Board went off the record and back on at 8:52 a.m. for a continued conversation about the transmission of information from the hospitals. Commissioner Dale feels there needs to be a better system of passing information to and from the hospitals. Ms. George said they have tried several different ways of communication and so far email seems to work the best. Going forward they have set up additional safeguards within the email system to show system receipt of emails.

The meeting concluded at 9:00 a.m. Two audio recordings are on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEM

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Tom Dale, Chief Deputy P.A. Sam Laugheed, Chief Deputy Sheriff Marv Dashiell left at 9:09 a.m. and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution approving award of Officer's badge and duty weapon to Lt. David Schorzman: Friday November 29th will be Lt. Schorzman's last day. He has been with CCSO 25 years working patrol, detention, classifications and as the emergency manager. The Sheriff has sent a letter requesting to provide his badge and weapon to him. The official retirement ceremony will take place in January. Upon the motion of Commissioner Dale and second by Commissioner White the Board voted unanimously to sign the resolution approving the award of Officer's badge and duty weapon to Lt. David Schorzman (see resolution no. 19-175).

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

A request was made to go into Executive Session as follows:

Commissioner Dale made a motion to go into Executive Session at 9:10 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners White and Dale voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White and Tom Dale, Chief Deputy P.A. Sam Laugheed and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:59 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.

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

The Board met today at 10:00 a.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Tom Dale, Chief Public Defender Aaron Bazzoli, Deputy Public Defender Scott James and Deputy Clerk Jenen Ross.

Mr. Bazzoli updated the Board on the following:

- Review of clearance rates for October 1st to current, monthly case type count, monthly case comparison from year to year and attorney active caseload.
- Mr. Bazzoli spoke about the 'failure to appear' program in Ada County and how two judges in Canyon County are already doing this but they would like more judges to participate as a way to get people out of custody a little quicker.
- A discussion was had about the holiday appreciation days and how those days will be handled by his office. The Board is okay with Public Defender's office closing at 3:30 today for the holiday weekend.
- They have recently hired 3 new attorneys and all positions are currently filled.
- He has been working towards getting a kiosk in the jail booking area for people to use for bond argument. He is working with IT and trying to get the Sheriff and jail on board with the idea.
- One of his legal support specialists is working to create a "parents' guidebook" to help guide parents thru some of the legal issues they may be facing when they have a juvenile in the system.

The meeting concluded at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF NOVEMBER 2019 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this 16th day of March, 2020

CANYON COUNTY BOARD OF COMMISSIONERS
Commissioner Pam White
Commissioner Leslie Van Beek

ATTEST: Chris Yamamoto, Clerk
By: Jenen Ross, Deputy Clerk