

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 571034 to 571078 in the amount of \$12,606.33
- The Board has approved claims 571079 to 571100 in the amount of \$154,675.50
- The Board has approved claims 570987 to 571033 in the amount of \$78,691.44
- The Board has approved claims 571101 to 571151 in the amount of \$363,357.66

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- CDW-G in the amount of \$58,521.70 for the Fleet Department

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Carlie Reynolds, Part Time Juvenile Detention.

FILE TREASURER'S REPORTS IN MINUTES

The Board filed the Treasurer's monthly report for November 2020.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 8:31 a.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director Paul Navarro and Assistant Director Rick Britton joined at 8:40 a.m. and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolution appointing representatives to the Board of Valley Regional Transit:***

Commissioner Van Beek suggested having an alternate person attend the meeting and report back to the Board. However, Commissioner Smith's understanding is that VRT does not want to do this because it puts them in a position of always onboarding and they would prefer to have one consistent person. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution appointing Commissioners Van Beek

and White as primary representatives and Tricia Nilsson and Kate Dahl as alternates (see resolution no. 21-012).

***Consider signing resolution to revised alcoholic beverage license for River Bend Golf Course:*** River Bend Golf Course would now like to sell liquor in addition to beer and wine. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving a revised alcoholic beverage license for River Bend Golf Course (see resolution no. 21-013).

Commissioner Van Beek asked about the Republican Central Committee meeting in the Administration Building meeting room. Director Navarro said that his understanding is that the room is available to county offices and departments and both the Canyon County Republican and Democrats. Political groups are exempt from the Governor's order on gathering limits but the groups are asked to govern themselves as there is no enforcement of any guidelines.

The meeting concluded at 8:42 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS LEASE OF WAREHOUSE SPACE FOR EMERGENCY MANAGEMENT

The Board met today at 8:45 a.m. to discuss warehouse space for Emergency Management. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Facilities Director Paul Navarro (left at 9:07 a.m.), Assistant Facilities Director Rick Britton (left at 9:07 a.m.), EOM Christine Wendelsdorf, PIO Joe Decker, Controller Zach Wagoner (left at 9:07 a.m.) and Deputy Clerk Jenen Ross. Director Navarro and Ms. Wendelsdorf spoke about the need for warehouse space for PPE, general storage and the potential of bulk purchasing if space allows. The county is paying approximately \$45K for the warehouse space that is currently used and the additional warehouse space identified in Caldwell to be used for PPE storage would be \$45K. It has been suggested that instead of leasing two storage facilities a better idea may be to build something on land near the DMV that is already owned by the county. There would be more cost upfront but it would eliminate the yearly lease costs. At this time the 100 pallets of PPE the county has purchased are being stored at the O'Connor Fieldhouse but will need to be moved by March 1<sup>st</sup>. Ms. Wendelsdorf said there is some jail annex space where the PPE could be stored temporarily. Ideally, Director Navarro would like to have the opportunity to have some drawings done so that the cost of building could be budgeted for in FY2022. In response to a question from Commissioner Smith regarding a combined building that could accommodate both office and warehouse space Director Navarro spoke about some of the major differences in a warehouse vs. office building. The Board would like additional budget information and suggested speaking with the City of Caldwell. Director Navarro will also reach out to Rick Bugatsch for some preliminary work.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:07 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, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, PIO Joe Decker, EOM Christine Wendelsdorf and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:16 a.m. with no decision being called for in open session.

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

CONSIDER A REQUEST BY DEL ROSARIO ESTATE #2 SUBDIVISION FOR AN APPROVAL OF A FINAL PLAT; CASE NO. SD2020-0032

The Board met today at 9:17 a.m. to consider a request by Del Rosario Estate #2 Subdivision for approval of a final plat; case no. SD2020-0032. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Director of DSD Tricia Nilsson, Representative Erik McLaughlin and Deputy Clerk Jenen Ross. Mr. Lister gave the staff report stating that the FCOs were approved by the Board on December 16, 2020 with eight conditions which he reviewed for the record. All conditions have been met and staff is recommending the final plat be signed. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the final plat for Del Rosario Estate #2 Subdivision, case no. SD2020-0032. The meeting concluded at 9:23 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – SHORT PLAT FOR HAWKS NEST SUBDIVISION, CASE NO. SD2020-0024

The Board met today at 9:32 a.m. to consider a request by Catherine Reindel for a short plat for Hawks Nest Subdivision, Case No. SD2020-0024. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, TJ Wellard, and Deputy Clerk Monica Reeves. DSD Planner Dan Lister participated via Webex. Dan Lister gave the oral staff report. In 2001 the property was divided without approval by the County, and in 2019 the properties were rezoned to R-1 which allows the two lots to have buildable permits on the property. The property consists of 2.7 acres and will result in two building lots. Mr. Lister gave a review of the agency comments. Staff is recommending approval subject to the conditions. The applicant's representative is requesting Conditions No. 1A and No. 8 be removed. Condition No. 1A requires the shared driveway be constructed to meet minimum standards. Mr. Wellard believes this should be taken at the building permit stage, not the plat stage. Condition No. 8 was something the P&Z Commission recommended because they felt the size of the easement would not allow for a fire

truck to safely make the radius turn to get to the properties because of the 90-degree angle the easement has, however, TJ Wellard shows it has adequate turning radius for emergency vehicles. When built out a lot of the issues will be taken care of at the building stage. We sent this information to the fire district and they had no further comment. Mr. Lister responded to questions from the Board following his report. TJ Wellard testified on behalf of the developer and stated they are requesting Conditions 1A and 8 be removed. The developer is getting the lots ready for sale and the people who buy those lots will build their own driveway which will have to meet standards but that can be taken care of at their expense. He said Condition No. 8 was put in place because one of the P&Z Commissioners stated a driveway couldn't meet the radius, but exhibit 9 proves that statement is incorrect. The final plat is still being reviewed by the health district. 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 Van Beek and the second by Commissioner White, the Board voted unanimously to strike Condition No. 1A and Condition No. 8 from the conditions of approval as per the supporting documentation and testimony of the applicant and to support the findings of fact, conclusions of law and order as amended for Hawks Nest Subdivision, Case No. SD2020-0024. Mr. Lister will work with the applicant to schedule the final plat for the Board's review. The hearing concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

#### RESCHEDULE PUBLIC HEARING – SHORT FOR BARNES HOMESTEAD SUBDIVISION, CASE NO. SD2020-0025

The Board met today at 1:31 p.m. to go on the record to reschedule the public hearing in the matter of a request by Corey Barnes for approval of a short plat for Barnes Homestead Subdivision, Case No. SD2020-0025. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. Mr. Lister said the applicant is requesting the matter be tabled to March 2, 2021. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to March 2, 2020 at 10:00 a.m. The meeting concluded at 1:33 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:07 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Tricia Nilsson and Deputy Clerk Jenen Ross. Director Nilsson indicated that Deputy P.A. Zach Wesley would be scheduling an executive session with the Board to discuss some items related to the Planning and Zoning Commission along with some staff updates. Ms. Nilsson said she needs to require that the commission members participate via computer at the hearings. In response to Commissioner Smith about why that needed to be required, Director Nilsson said that lack of participation is leaving the hearings somewhat vulnerable to legal challenge and requested that further discussion happen in executive session.

#### EXECUTIVE SESSION – PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 3:09 p.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Tricia Nilsson and Deputy Clerk Jenen Ross. The Executive Session concluded at 4:06 p.m. with no decision being called for in open session.

At the conclusion of the executive session the following items were discussed:

- Options for working with the highway and fire districts to get acknowledgment letters in a timely manner due to the impact they are having to administrative land divisions. Possibly an ordinance amendment, an agreement with the highway districts outlining what the county is looking to accomplish or a fillable form with specific questions to be answered. Director Nilsson will work to have a draft form within the next couple of weeks.
- The next few meetings with Director Nilsson will focus on impact fees and the comprehensive plan.
- VRT/COMPASS meetings - the Board will let Director Nilsson and/or Kate Dahl know when they need them to attend as the alternates.
- Director Nilsson is still working on the hearing examiner.
- Webex/P&Z meetings: Director Nilsson will work thru some of those logistics as far as room set-up and bring a plan back to the Board. Commissioner Smith would like to see those resume back to in person for large attendance, which needs to be defined, those meeting will be tabled on the night that there is a large attendance and will be continued via Webex. Director Nilsson will obtain pricing for private security.
- Director Nilsson will do some additional research on the Planning and Zoning Commission bylaws
- A customer service survey was done recently with the help of HR but there wasn't a large response rate. Overall the results were good but it wasn't a large sampling.

The meeting concluded at 4:36 p.m. An audio recording is on file in the Commissioners' Office.

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

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 Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro, Assistant Facilities Director Rick Britton, Security Supervisor Les Johnson, Lead Marshal Jim West and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Fencing at the fairgrounds continues to be installed. They are about halfway done and gates continue to be built and installed. Anticipated completion is 3-4 weeks.
- The Fair Expo Building bidder's conference will take place today.
- Employee access badges have been moved from HR to the security division of the Facilities department. Mr. Johnson has been tasked with completing a key audit.
- Discussion ensued regarding the 'Run, hide, fight program'. Paul Greenhill, who is a Canyon County Deputy Marshal has offered to provide the training to Board employees. Mr. West gave a background on Mr. Greenhill and spoke about how the majority of the public entering the courthouse may not always be in the best frame of mind and how his main focus is keeping the employees safe. Input was requested from the Board as to if they would like Board employees to participate in the training. Each training is approximately 2 hours and Mr. Greenhill would be assisted by two additional marshals. Commissioners Van Beek and Smith are supportive of the training as long as it fit into schedules and is appropriate for the job they do. Commissioner White would like there to be additional discussion on the topic.
- Discussion ensued recording some of the "low hanging fruit" noted in the Triad report that have been addressed and some of the more expensive items that will require being included in future budgets.

The meeting concluded at 8:54 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 Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto (left at 9:14 a.m.), Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, EOM Christine Wendelsdorf, PIO Joe Decker, Elections Supervisor Haley Hicks (left at 9:14 a.m.), Elections Specialist Brandi Long (left at 9:14 a.m.) and Deputy Clerk Jenen Ross. Deputy P.A. Brad Goodsell participated via Webex. The action items were considered as follows:

***Consider signing a Resolution Designating Polling Locations for the March 9, 2021 Election:*** They will be using seven co-located polling places for this election as they are larger spaces and will allow for social distancing. Ms. Hicks reviewed the locations they will be using and the number of voters for each precinct. All of the locations have been previously used, there are no new locations being used. Ms. Hicks spoke about the logistics of using the larger voting locations with the new voting equipment. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution designating polling locations for the March 9, 2021 election (see resolution no. 20-014).

Clerk Yamamoto spoke about a meeting they recently had with Hart regarding upgrades that are available for the voting machines. The cost is \$39K but the Clerk has chosen not to move forward at this time. The downside to not doing the upgrade is that it may be problematic if there is need for a recount. At the request of Commissioner Van Beek, Clerk Yamamoto spoke about some of the security issues related to voting machines that have made national news in recent months.

***Consider extending the COVID-19 Emergency Declaration:*** Mr. Laugheed explained this is the standard 30-day extension that has continued to happen throughout this emergency based on the state of emergency declared by the Governor. The purpose of these declarations are to ease procurement procedures and allows access to state and federal monies. There have been discussions as to whether the declarations should be in increments longer than 30 days but Mr. Laugheed continues to recommend that they remain at 30 days. The current declaration expires at midnight on February 4<sup>th</sup> so this one will start at midnight on February 4<sup>th</sup> thru 11:59 p.m. on March 4<sup>th</sup>. Mr. Laugheed suggested that if there are other outreach efforts that can be done or language added to the declaration he's open making revisions. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to extend the COVID-19 Emergency Declaration. A copy of the declaration is on file with this day's minutes.

Mr. Goodsell provided a letter for Board signatures which will be sent to seven taxing districts to let them know of a public hearing on February 12<sup>th</sup> to take comment regarding a possible property tax exemption for Creations Unlimited Machining, Inc. A copy of the letter is on file with this day's minutes.

Thursday afternoon there will be a hearing on a proposed fee increase for GIS data from the Assessor's Office. The Board has received a memo discussing this increase along with a draft resolution and proposed fees, if the Board has any questions they can reach out to Mr. Goodsell.

Commissioner Van Beek has questions about a tort claim that was received yesterday and an issue with Southwest District Health. Mr. Laugheed suggested these items would best be discussed in executive session. Commissioner Van Beek made a motion to enter into executive session at 9:32 a.m. Commissioner Smith brought to everyone's attention that there is a land use hearing agenda item for 9:30 that needs to be continued. The legal staff update was momentarily paused to address the land use hearing continuation. The Board went off the record briefly at 9:32 a.m. and back on at 9:36 a.m. for the executive session as follows:

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:36 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:24 a.m. with no decision being called for in open session.

CONTINUE PUBLIC HEARING REGARDING THE PRELIMINARY PLAT FOR SOLITUDE CREEK SUBDIVISION, CASE NO. SD2020-0016

The Board met today at 9:34 a.m. to go on the record and continue the public hearing in the matter of the request by Lee Family Trust for approval of a preliminary plat as well as the irrigation and drainage plan for Solitude Creek Subdivision, Case No. SD2020-0016. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, DSD Planner Jennifer Almeida participated via Webex and Deputy Clerk Jenen Ross. The applicant has requested this hearing be continued. Upon the motion of Commissioner White and second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to February 16, 2021 at 1:30 p.m. The meeting concluded at 9:35 a.m.

PUBLIC HEARING – REQUEST BY MARK RUSSELL CONDITIONAL REZONE REQUEST, CASE NO. CR2020-0009

The Board met today at 10:31 a.m. to conduct a public hearing in the matter of a request by Mark Russell for a conditional rezone of 40.17 acres from "A" (Agricultural) to "CR-R1" (Conditional



Rezone -Single Family Residential), Case No. CR2020-0009. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, John Stosich, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Jennifer Almeida, Dustin Kukla, Travis Hulet, Latisha Hulet, Rodney Masonheimer, Ramie Post, Vicky Russell, and TJ Wellard. Jennifer Almeida gave the oral staff report. The surrounding area is agricultural in nature and bordered by large agricultural parcels. There are no residential zones within one mile of the site. The property is located within a nitrate priority area. There was a review of agency comments. The P&Z Commission recommended denial on November 19, 2020. Staff has found the request is not consistent with certain rezone criteria and is therefore recommending denial. Jon Stosich, who represents the Russells in the case, testified the original request received a denial from staff so they are proposing changes. He said when the Russells purchased the property it was in disrepair and rundown with tall weeds and so they cleaned it up, installed a pivot, and removed every structure on the property. They believe their main mistake was seeking an R-1 zoning designation rather than an R-R zoning. Mr. Stosich presented the following proposals for the Board's consideration:

Proposal No. 1 – The lot consolidation plan puts all building lots in the southwest corner of the 40 acres. This the applicant's least favorite option because it takes away the farm ground and interrupts the efficiency of center pivot.

Proposal No. 2 is their original layout – Instead of having three 1.7-acre parcels they would be 2-acre parcels and the remainder will be left with a complete pivot with a buildable lot.

Proposal No. 3 - In order to reflect the 10-acre parcels they are willing to create four 10-acre parcels with a pivot agreement between the four landowners to where they can manage and farm the ground, keeping the space open.

The goal is to preserve the agricultural feel which is why they will have a development agreement. They will have more restrictions so that instead of allowing two homes per site they will do a single-dwelling limitation on those parcels. The Russells purchased the property so their children could build homes on the property. Commissioner Smith said there are administrative lot splits available and if they have two children who want to live there that would suffice with administrative capabilities.

**Testimony in opposition was offered as follows:**

Travis Hulet, Dustin Kukla, Latisha Hulet, Rodney Masonheimer, and Ramie Post testified in opposition to the request. The concerns are as follows: The Russell should utilize the existing two building permits allotted to the property rather than seek a rezone; development does not belong in an agricultural area; this area produces a tremendous amount of seed crops and the ground are need to remain farmable; water and sewer services are not available; negative impacts to wells and waste water ditches; traffic concerns; and runoff from the pivot; development could make it problematic for aerial spraying.

Rebuttal testimony was offered by Jon Stosich. The Russells are farmers and they have an interest in preserving farm ground by having a center pivot. They also have not taken any ground out of production. One week ago, the Board approved an application for the Satterwhite case and that project was a split of three additional parcels of less than 10 acres. This project has better

irrigation and a better plan. He said the Russells are not looking to develop the area, they are seeking four buildable lots that can be sold individually. Following his testimony, the Board had questions of Mr. Stosich. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said the precedent in this case is we have a farmer who sold for development and purchased another piece of ground so there is some suggestion that perhaps this could lead to further development. Staff has cited the request is not more compatible, will have a negative impact, there is no infrastructure or services presently available, it does not represent orderly development, and it is incompatible with agricultural services. The proximity of houses being located in a corner would be problematic. Staff has done a good job including their goals and policies they have used with the comprehensive plan and would support the P&Z Commission decision to uphold a denial given that we have farmers who are actively grazing, calving, and harvesting. Commissioner White said she has a compatibility and consistency issue with this as spot zoning. Commissioner Smith agrees with the Commissioners comments as well as staff's finding that the request will change the character of the area. There is a process for administrative land divisions so she encouraged the applicants to exercise that option for the two available building lots. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the denial of the conditional rezone for Case No. CR2020-0009 for Mark Russell and to accept the findings of fact, conclusions of law and order as written. Commissioner White suggested they put together one substantial use for this property. The hearing concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY SHOEMAKER ENTERPRISES, LLC, FOR A CONDITIONAL REZONE, CASE NO. CR2020-0007

The Board met today at 1:34 p.m. to conduct a public hearing in the matter of a request by Stuart and Julia Shoemaker for a conditional rezone for Parcels R29926 and R29950 from "A" (Agricultural) to "CR-R" (Rural Residential), Case No. CR2020-0007. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Dan Lister, Kent Storer, Robert "Stuart" Shoemaker, Craig Shoemaker, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Julianne Shaw, Julia Shoemaker, and Melvin Baker. Commissioner Smith disclosed that she has team roped with Kent Storer but that will not her from making an unbiased decision in this case. Julianne Shaw gave the oral staff report. The Shoemakers submitted a request for a conditional rezone of two parcels with a development agreement which restricts development on the unproductive dry areas of the property and to preserve 14.81 acres of productive farmland. The two parcels are located east and north of the intersection of South Powerline Road and Lola Lane. The future land use shows this area is expected to stay agricultural. If approved, the property boundary adjustment, through a Director's administrative decision, would be required to enlarge the smaller less than one-acre parcel to five acres and reduce the larger parcel by that same amount. There is a question as to whether that smaller parcel is truly an independent parcel or not. Staff is continually conducting research to determine if that smaller parcel is part of a larger one or if it's truly independent. If approved, and the development agreement is signed no further divisions of land would be allowed unless

subsequent land use approval is granted for the larger parcel. Ms. Shaw reviewed staff's conditions of approval noting that staff proceeded with the thought that the parcel was an independent parcel and therefore it could go through the property boundary adjustment subject to restrictions. The P&Z Commission recommended approval of the request on December 3, 2020. Commissioner Van Beek questions the rezoning of an entire parcel when only a portion will be developed for a home site. Commissioner Smith said you don't issue a building permit, it would just remain in agriculture and you would have the allowed uses of an agricultural zone on that portion. Ms. Shaw said it's more a higher policy decision to not rezone the complete 19 acres. Zach Wesley said we have used both practices in the past; there are some lots where we've used residential rezoning in one area and kept the remainder in agricultural use. There are some internal DSD protocols that have to be implemented in order to track this going forward because the development agreement would bind both parcels, but the mapping will only show one parcel as a conditional rezone and the other will be labeled agriculture, but it's permissible and within the Board's discretion to leave that larger parcel in agriculture. Robert "Stuart" Shoemaker testified he has owned the property for 15 years and he owns an additional 20 acres of adjacent farmland that will remain in agriculture. They initially intended to build their home on site but their plans changed and they found another location. This property became available to sell to their friend, Kent Storer. There is a section on that property that cannot be farmed, it's a dry waste area and their thought was to utilize it for a home and leave the rest in agriculture. Kent Storer wants to put a home and an arena on the land and the larger portion will remain in agriculture. Mr. Shoemaker spoke of how he has not been able to get clarity on the "little piece of property" so he made the attempt to move through the process. He is not asking for anything special, he simply wants to use the corner. Discussion ensued with staff and the Board regarding the parcel history and legal description issues. Commissioner Smith suggested the hearing be continued in order to do more research and look at past policy. Mr. Shoemaker said he wants to be in accordance with policy so he will defer to the Board's expertise. Zach Wesley said we could deal with this today and if the Board directs DSD that its interpretation of the policy and the right-of-way is that it would be a parcel that the building permit could be transferred to the other property then staff could be directed to do that and the applicant could vacate the zoning application and transfer those fees over to the relocation fee. Commissioners Smith and Van Beek would like to do that. Commissioner Van Beek made a motion to direct staff to vacate the rezone hearing on this and transfer the building permit from the property adjacent to the smaller parcel and apply the fees toward a relocation of the boundary for that parcel as presented by legal staff. Commissioner Smith said to clarify, that Parcel 29926, per policy and direction, would be deemed an original parcel because of the right-of-way Power Line Road that divided the original parcel and would be eligible for a building permit and to allow for a transfer of building permit that met the zoning ordinance to Parcel 29950. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 2:12 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2021 TERM  
CALDWELL, IDAHO FEBRUARY 3, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White - Out  
Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims 571270 to 571295 in the amount of \$42,456.37
- The Board has approved claims 571152 to 571156 in the amount of \$3992.50
- The Board has approved claims 571157 to 571169 in the amount of \$7,987.00
- The Board has approved claims 571246 to 571269 in the amount of \$16,328.81

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial Supply, Inc. in the amount of \$15,783.40 for Canyon County Sheriff
- ACCO Engineered Systems in the amount of \$5,945.00 for Solid Waste Department
- W2W Commercial Flooring in the amount of \$5,349.63 for Facilities Department

#### MEETING TO DISCUSS THE DOCUSIGN PROGRAM

The Board met today at 9:05 a.m. to discuss the DocuSign program. Present were: Commissioners Keri Smith and Leslie Van Beek, Controller Zach Wagoner, IT Director Greg Rast, Director of Juvenile Detention Sean Brown, Chief Juvenile Probation Officer Elda Catalano and Deputy Clerk Jenen Ross. Ms. Catalano spoke about the need to collect parental signatures but with COVID it has been difficult to exchange information and collect necessary signatures. She feels the DocuSign program would increase efficiencies. Additionally, Juvenile Detention would be able to make use of the program in order to collect parental sign-offs for medical records. Early on there was discussion with IT about creating something that would work similarly but in the end it was decided that DocuSign was the better choice due to the capabilities already in place. Director Rast also noted that the research and development that would need to be done by the IT department to design a program far outweighs the cost of purchasing and maintaining the DocuSign program. The annual cost of the program is \$6710 which Ms. Catalano would like to fund with lottery tax dollars. For FY2021 the program was not budgeted for but she has monies allocated to training which could be used this year. Controller Wagoner concurred that purchasing with lottery funds would be a good use of resources vs. using taxpayer dollars from the general fund. Lottery funds

are restricted funds which can only be used for juvenile justice so the use of DocuSign at this point will be dedicated to just Juvenile Probation and Juvenile Detention. Director Rast said the IT department can assist with coordinating the licensing and tracking. The Board is supportive of purchasing this program. The meeting conclude at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUE PUBLIC HEARING – JOHN CARPENTER’S APPEAL OF THE DSD DIRECTOR’S DECISION REGARDING THE APRIL 17, 2020 CONDITIONED APPROVAL OF A HOME BUSINESS, CASE NO. AD2020-0029APL

The Board met today at 1:31 p.m. to go on the record to continue the public hearing in the matter of John Carpenter’s appeal of the DSD Director’s decision regarding the April 17, 2020 conditioned approval of a home business, Case No. AD2020-0029APL. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Julianne Shaw, and Deputy Clerk Monica Reeves. According to Ms. Shaw, the parties have requested a continuance so their legal counsel has time to review the agreement that’s been reached. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the hearing for Case No. AD2020-0029APL to February 26, 2021 at 10:00 a.m. The meeting concluded at 1:33 p.m. An audio recording is on file in the Commissioners’ Office.

FEBRUARY 2021 TERM  
CALDWELL, IDAHO FEBRUARY 4, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell, Inc. in the amount of \$1350.06 for Canyon County Sheriff
- Triton Training Group LLC in the amount of \$1200.00 for Canyon County Sheriff
- A-Gem Supply Inc. in the amount of \$25,511.90 for Canyon County Sheriff

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:46 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-358, 2021-384, 2021-296, 2021-404 and 2021-297. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials within 30 days on the cases as read into the record.

Liens were presented for signatures

Case nos. 2021-102, 2021-87, 2021-39 and 2021-103 have all been withdrawn and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue final denials with written decision within 30 days.

The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:00 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross. Director Baker said that neither the hospital nor the applicant appeared for case no. 2021-119. This is a Payette County case and does not meet the criteria for Canyon County assistance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a final denial on the case. 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, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

*Note for the record: As properly noticed the Board met today at 10:01 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 10:02 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters concerning named personnel, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van

Beek, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Carl Ericson with ICRMP, Blake Hall with Hall Angell & Associates LLP via teleconference and Deputy Clerk Jenen Ross. Commissioner Van Beek left the meeting from 10:41 a.m. to 11:25 a.m. The Executive Session concluded at 11:30 a.m. with no decision being called for in open session.

The Board went off the record for a brief break at 11:30 a.m. and went back on the record at 11:40 a.m. at which time another request to go into executive session was made as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 11:41 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and 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 Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Assistant Plans Examiner Stephanie Hailey and Deputy Clerk Jenen Ross. The Executive Session concluded at 12:23 p.m. with no decision being called for in open session. The meeting concluded at 12:24 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING TO TAKE COMMENT ON THE ASSESSOR'S PROPOSED FEE SCHEDULE FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) MAPPING DATA, PAPER PRODUCTS, AND OTHER PLAT ROOM SERVICES

The Board met today at 2:00 p.m. to conduct a public hearing to take comment on the Assessor's proposed fee schedule for Geographic Information System (GIS) mapping data, paper products, and other plat room services. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, GIS Supervisor Sarah Sluss, Deputy PA Brad Goodsell, and Deputy Clerk Monica Reeves. Assessor Stender said Canyon County charges for its GIS data but they found most larger counties are providing it for free and he wants to be more in line with what those counties are doing. Sarah Sluss said they will be modifying the paper products as well because they don't already have something in place for that. They plan to create subscriptions for people to subscribe to Pictometry imagery so they can offer that in exchange for giving away the GIS data away for free. They will package it for people to utilize as a whole map rather than in GIS layers. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. During the Board's discussion Commissioner Smith noted there could be a reduction in revenue but they are anticipating to recoup that revenue through the new fees outlined. Commissioner Van Beek made a motion to sign the resolution setting the fees charged by the Assessor for GIS mapping data, paper products, and other plat room services, as presented by the Assessor and the GIS Coordinator. The motion was seconded by Commissioner White and carried unanimously. (See Resolution No. 21-015.) Brad Goodsell

said the explanation of the proposed, that was provided to the Board, is a justification for the fees being charged so it should be included in the minutes. The hearing concluded at 2:07 p.m. An audio recording is on file in the Commissioners' Office.

#### MEET WITH DEPARTMENT ADMINISTRATORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:30 p.m. with department administrators to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Controller Zach Wagoner, Parks Director Nicki Schwend, Fair Director Diana Sinner, Chief Public Defender Aaron Bazzoli, IT Director Greg Rast, Solid Waste Director David Loper, PIO Joe Decker, Facilities Director Paul Navarro, Fleet Director Mark Tolman, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Juvenile Detention Director Sean Brown, Ambulance District Director Michael Stowell, and Deputy Clerk Monica Reeves. Present via Webex: Jerry Neufeld and Debbie Lowber from the County Agent's Office and Weed Control Superintendent AJ Mondor. Commissioner Smith presented a PowerPoint on the following discussion topics:

#### COVID Pay

There was a federal code used for pay codes but it expired on December 31<sup>st</sup> so we have to find some type of normal, so moving forward directors need to make sure all employees who are sick for COVID or non-COVID-related issues are identified in ADP through sick time. If the employee does not have sick time they will have to use vacation time. If there are extreme circumstances where an employee does not have sick/vacation time the director will need to discuss the issue with the Board. Controller Wagoner said if someone has a major COVID-related event the director should let him know because there is still legislation up in the air and it's possible there is federal funding that could be backdated. Commissioner Smith said the last couple of pay periods the expectation has been to document in the note section of ADP what was happening with those instances, and so the change would occur this pay period.

#### BOCC Requests/Action Items

Directors previously completed operational plans related to COVID and they are being asked to make update to their plans and look at bringing their employees back to work. They need to highlight what they are changing in their existing plan and include an organizational chart and include the number of employees who are currently teleworking and indicate whether they are fulltime or part-time and include a process/timeline for bringing them back fulltime in the office. This is NOT to say the Board will not allow teleworking; there are some good examples where teleworking makes sense. If someone is teleworking the Board wants to know how the director is gauging their level of performance and managing it. Plans are to be submitted to the Board by February 19<sup>th</sup>. Directors are required to notify BOCC when they out of the office due to illness, vacation, and personal matters. Directors must notify the Board if they are teleworking. The Board is coordinating a meeting schedule with directors on a monthly basis; some directors will meet on a weekly basis for updates.



### Performance Evaluation Direction

Some directors are completing evaluations on their teams, but some are not and so the Board wants the directors to submit a plan to HR on how they will perform evaluations using the tool offered by the HR Department. The plans are to be submitted to HR by February 26 and the Board will do a high-level review and make sure it's happening. Each employee needs to have 2021 evaluation no later than September 30, 2021. The Board will schedule annual performance evaluations for each director in the third or fourth quarter of the year.

### State of the County

Directors were asked to highlight their respective departments' achievements over the past year and submit that information to Joe Decker by providing bullet points of the departments' top two or three items they have accomplished and include the goals for 2021. Pictures are encouraged. The state of the county will not be in-person, it will be done digitally. The list of accomplishments/future goals must be submitted by February 10.

The meeting concluded at 2:59 p.m. An audio recording is on file in the Commissioners' Office.

### FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 5, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman – out of office  
Commissioner Pam White – out of office – approving claims remotely  
Deputy Clerks Monica Reeves/Jenen Ross

### APPROVED CLAIMS

- The Board has approved claims 571170 to 571209 in the amount of \$43,028.97
- The Board has approved claims 571210 to 571245 in the amount of \$13,515.21
- The Board has approved claims 571296 to 571297 in the amount of \$246.49

### FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 8, 2021

PRESENT: Commissioner Keri K. Smith, Chair

Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIM

- The Board has approved claim 571358 in the amount of \$150.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ConvergeOne in the amount of \$6,417.14 for the Information Technology Department
- Riverstone Technology in the amount of \$8,290.00 for the Information Technology Department
- Elevate Technology in the amount of \$4,552.59 for the Information Technology Department

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:35 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, PIO Joe Decker, and Deputy Clerk Monica Reeves.

The Board will schedule meetings on the following topics:

- Discussion regarding HB53 which pertains to online publication legislation. The meeting will be set for this week with the BOCC, Controller and the PIO.
- Discussion regarding a standardized cell phone stipend amount. The Board would like input from the Controller on whether the amount is set by department or office.
- Discussion regarding draft legislation. Commissioner Van Beek would like to meet with the Assessor in order better understand the draft legislation he is working on relating to property taxes amending Idaho Code Section 63-602G and the homeowner's exemption. She would also like Senator Rice invited to the discussion since he serves on the revenue and taxation committee and is proposing legislation controlling revenues which won't be in the best interest of county government. She wants to hear what the Senator's presentation is. Chairman Smith asked PIO Decker to provide a summary on the proposed legislation discussed today and how we can form an opinion on what we are supporting and see if there is some collaboration with Nampa and Caldwell mayors, and if we can't schedule a meeting perhaps we can send an email and get input. PIO said Assessor, Clerk and Treasurer have been working on the issue for months.

- Commissioner White spoke of a recent Treasure Valley Partnership meeting she attended where the importance of speaking about the legislation in-person was stressed.
- PIO Decker will work on a platform for the Board's community input meetings which will be held the first Monday of each month from 9:00 - 10:00 where citizens will be able to speak with the Commissioners. The meetings will be held in-person, but Webex will be option too.
- The Board will meet with the ambulance district director on a monthly basis.

The following topics will be discussed at a future date:

- The County's personnel manual
- A purchase policy that is specific to the process for submitting purchase orders. Commissioner Smith will prioritize meeting with the Controller and see if he has a suggestion for the process.

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

#### DISCUSSION REGARDING CODE ENFORCEMENT CASELOAD AND ESTABLISHING A NEW PROCESS

The Board met today at 9:07 a.m. for a discussion regarding the code enforcement caseload and establishing a new process. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Deputy P.A. Zach Wesley, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Sam Laugheed, and Deputy Clerk Monica Reeves. Commissioner Smith said the Board recently heard from the code enforcement officers that there are over 300 open cases and today's meeting is to hear more information from DSD and engage in a conversation about if there are other ways to pursue compliance through fees and other types of citations rather than moving forward with misdemeanor and possible jail time which never results in compliance. Prosecutor Taylor said there are two components from his office's standpoint: the criminal side and the civil compliance side. The criminal process is set in statute; code enforcement ultimately investigates a case, generates the evidence, submits it to the PA and it's out of everyone's hands except for the PA who makes the charging decisions on whether or not to move forward. He said they do not see the 300 cases. It is a very small fraction where maybe one or two cases ends up with criminal prosecution. He spoke of a unique case that took 10 years to litigate and it went all the way to the Idaho Supreme Court and back, and that property is still not in compliance and the case is done. We could continue going on but how much resources do we exert on code compliance; it's a misdemeanor offense and we already have a jail issue and so do people need to be hanging out in the jail which is the only major mechanism to get compliance. Commissioner Smith said they need more tools before it gets to criminal prosecution and she wants to know what can be added in terms of steps and attaching fees. Commissioner Van Beek said there has to be a

coordinated effort between the Courts, PA, DSD, and the Board and about the level of communication and coordination that needs to happen, how we can get compliance and where could we have improved the process. Sam Laugheed said the distinction between enforcement and compliance is really important and the majority of the County's efforts should be aimed at compliance, and he thinks compliance efforts are going to depend a lot on the person who's in the field communicating. He doesn't know if having more "baseball bats in the trunk" is going to help with the compliance; typically, it's how effective the person is in persuading and communicating here's what we can do and why. Commissioner Van Beek said if we had a way to attach abatement costs to their property tax statement eventually those costs will be paid out whether they sell or have to pay it at the semi-annual or annual fee, that takes it out of the Prosecutor's hand and puts it as a tax burden on their statement. Mr. Laugheed wants to take a closer look at the abatement process and look at them on a case-by-case basis. The upfront expenditure and liability the County would have to assume can sometimes be extensive, and on the back-end it would come around to the taxes and possibly forfeiture of the property. Abatement is an option but how often is it the right thing to do and does it substitute for the outreach/compliance efforts? Commissioner Smith said the City of Middleton does three things before moving to abatement: They send a warning letter asking for compliance; if you don't comply within the timeframe a second letter goes out with a fee and they ask for compliance again, and if it doesn't happen again they send a third letter with a \$100 fee and it gives another timeframe for compliance. The last fee is \$200 and they get one more time to try for compliance then they move to enforcement which is abatement. It's a hard battle to not have any type of tools besides sending a letter. If you ignore the letters nothing happens because there is such a high volume of cases so we have to have a new process to whittle the 300 cases down to something manageable. She wants guidance on a process the Prosecutor's Office can support. Director Nilsson said it would be helpful if we had a working committee that focuses on the difficult cases where there is communicating and tracking on a regular basis. There are societal issues associated with some of the cases that none of us can fix. Perhaps they could have a monthly case review about the status and have people there who can recommend to the Board any follow up action. Commissioner Van Beek would like the Board involved in that process but Commissioner Smith doesn't think that's a good idea in case the issue comes before the Board in a hearing format. (Commissioner Van Beek stepped out of the meeting from 9:26 a.m. to 9:34 a.m.) Commissioner Smith said we are spending County resources on compliance and it's costing money and assessing a fee structure could help. Mr. Laugheed said for the next meeting it might be helpful to outline what exactly does happen and separating the criminal part almost entirely would be appropriate. Once a case is accepted by the PA for prosecution they are not meeting with anybody else, they are talking to the judge. The lengthy case that keeps being referenced was where the judge made discretionary decisions, but it was not a failure of a team communicating. The process worked and the judge made discretionary decisions. They tried mediation, they tried cleaning up the property, they tried jail. The summation was the case is done. Mr. Laugheed said criminal is a separate thing – if we are talking about adding abatement tools and fines to the compliance process that's a separate discussion and it's within the Board's authority and when we get into abatement on the big cases the Board is the plaintiff on those things and if the PA were not able, because of resources or other things, we could hire outside counsel to help shepherd through abatement proceedings. If we are talking about revising the compliance structure we can remove the PA side and talk with DSD and Board.

Commissioner Smith said she's heard complaints about our lack of enforceability of the ordinance so why keep passing more ordinances when we cannot enforce what we have. We need to look at some structures for fines and see if there is some middle ground. Commissioner Van Beek asked for Legal's input on having code enforcement be a standalone department. Mr. Laugheed said he needs some time to think about that. Commissioner Smith said Eric Arthur provided a packet of information that included different options about where the code enforcement department could live. Mr. Laugheed requested a copy of that packet and said he will review the Middleton ordinance, and others, to see what kind of fees could be attached. (PA Taylor left at 9:35 a.m.) It was decided that another meeting will be necessary. (*Ms. Reeves thought the meeting had concluded at this point but after turning off the recorder the discussion continued so she immediately turned the recorder back on.*) Discussion ensued about the need to streamline the process and form partnerships that lead to more communication on the code enforcement process. Mr. Laugheed said it's important to separate the criminal part from the abatement/nuisance ordinance because once it hits the PA's office it's a matter of prosecutorial discretion and it will be separate from what the officers would prefer. The group agreed that another meeting will be held later this month. The meeting concluded at 9:44 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE ADMINISTRATIVE DISTRICT JUDGE AND TCA TO DISCUSS GENERAL ISSUES

The Board met today at 1:32 p.m. with the Administrative District Judge and the Trial Court Administrator to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, TCA Doug Tyler, Judge Vander Velde (arrived at 1:37 p.m.) and Deputy Clerk Jenen Ross. Judge Southworth is presenting to the judiciary this afternoon so he is not able to make the meeting. The following items were discussed with the Board:

- Mr. Tyler said Judge Southworth would like to speak with the EOs about courthouse security. Commissioner Smith said her understanding is that the Sheriff will be in contact with the judge to discuss security issues.
- Discussion ensued regarding the addition of judges and support staff. Commissioner Van Beek requested a breakdown of resources and costs of support staff.
- Mr. Tyler said he's spoken with Facilities Director Navarro about upgrading magistrate courtrooms as they are the only ones that haven't been renovated since Odyssey came in. The audio will also need to be upgraded but there may be resources available from the Supreme Court for that. Renovations are anticipated to take place in late spring/early summer.
- Jury trials have been authorized to start March 1<sup>st</sup>; Canyon County is aiming for the week of March 15<sup>th</sup>. They intend to start with magistrate hearings since they have smaller juries and then move to district trials.
- Run, Hide, Fight training: Judge Southworth and Mr. Tyler feel the training is a good idea and authorized Chief Marshal Jim West to work with Director Navarro in presenting it to

the Board. At the request of Commissioner Van Beek, Doug spoke generally about the backgrounds of the marshals. Mr. Tyler believes he and Judge Southworth will come down to speak to the Board about the training.

The meeting concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 2:00 p.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross.

#### EXECUTIVE SESSION – PERSONNEL MATTER

*Note for the record: As properly noticed the Board met today at 2:00 p.m. for a meeting with the Parks Director. A request was made to go into Executive Session as follows:*

Commissioner Van Beek made a motion to go into Executive Session at 2:01 p.m. pursuant to Idaho Code, Section 74-206(1) (a) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. The Executive Session concluded at 2:17 p.m. with no decision being called for in open session.

General business discussion topics were as follows:

- Winter virtual field trip success
- Virtual winter desert ecology flyer
- Actively seeking interpretive specials for the 2021 season
- Org chart
- Celebration Park CUP for camping improvements was successfully approved
  - Discussion ensued regarding notification to area tribes of land use issues and of notification potentially being included in the comprehensive plan and/or possible ordinance
- Gun range improvements will happen February 22<sup>nd</sup> thru February 27<sup>th</sup>
- Landfill fencing changes/Jubilee OHF
- HPC grant workshop takes place February 9<sup>th</sup>
- Update from the Nampa American Legion Post 18 update which were partially funded with HPC funds
- Historic Preservation Plan Adoption

- Garrett Ranch moving forward with being nomination to be placed on National Historical Register
- New signs and equipment at Celebration Park

A copy of Director Schwend's' presentation is on file with this day's minutes. The meeting concluded at 2:46 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:02 p.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of DSD Tricia Nilsson, Planner Kate Dahl (left at 3:20 p.m.) and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Ms. Dahl reviewed the comprehensive plan steps which include the following: forming the working groups, trends & goals, discussion points, public meetings to collect feedback, draft plan, discussion regarding the draft plan, recommendation to planning & zoning and approval by the BOCC. Presentation of the plan to the Board is scheduled for summer of 2021 but the Board would like the information sooner as there is a lot to absorb. The Board requested that Ms. Dahl provide her working document to the Board with the understanding that it is a rough draft. A copy of the document outlining the timeline of the comprehensive plan is on file with this day's minutes.
- Mr. Wesley is still researching P&Z Commission bylaws.
- Discussion ensued regarding House Bill no. 53 concerning public notices. Director Nilsson has indicated that Controller Wagoner has prepared a spreadsheet showing publishing costs incurred by the County. The Board is okay with Director Nilsson forwarding the spreadsheet. Director Nilsson also suggested that if the county does move to posting legal notices online vs. using the newspaper that there be some kind of affidavit system to confirm posting.
- The Board confirmed that Director Nilsson has received a copy of the PowerPoint that was provided at the DA meeting last week and she is working on an org chart with annotations as her department moves forward and structure may change.
- Currently the DSD office is open by appointment only limiting walk-in traffic. Commissioner Smith said she likes the idea of people getting to make appointments and it seems to be well received by the building community but it is a bit arduous and she would like to see it simplified. Director Nilsson discussed some ideas she's had for personnel changes in order to streamline the process such as a Planner I and Planner II / Planning Director positions which could also help with reception duties and doing away with the phone-tree system.

- At this time there hasn't been any success in finding a hearing examiner.
- At the request of the Board, Director Nilsson will forward her priority list to be reviewed individually by each Board member.
- Due to timing, impact fees will need to be discussed at another meeting.
- Director Nilsson believes it would be helpful to meet with the highway districts to discuss their CIP prior to any discussion regarding impact fees and offered to coordinate a meeting.
- Director Nilsson had a follow-up on the floodplain meeting. She feels the next step is to draft a response to FEMA for Board review. Additionally, she would like to turn over floodplain administration to Keller Associates. Commissioner Smith would like to have further discussion regarding this topic, in the meantime Director Nilsson will put together some options.

The meeting concluded at 4:00 p.m. An audio recording is on file in the Commissioners' Office.

**FEBRUARY 2021 TERM**

**CALDWELL, IDAHO    FEBRUARY 9, 2021**

**PRESENT:**      Commissioner Keri K. Smith, Chair  
                  Commissioner Leslie Van Beek, Vice Chairman  
                  Commissioner Pam White  
                  Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 571315 to 571357 in the amount of \$22,090.44

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Daniel Young, Deputy Public Defender I, and Luis Sanchez, a Juvenile Detention Officer.

CONSIDER A RESOLUTION CHANGING THE TITLE AND JOB DESCRIPTION OF A POSITION IN JUVENILE PROBATION – DIRECTOR OF JUVENILE PROBATION

The Board met today at 8:30 a.m. to consider a resolution changing the title and job description of a position in the Juvenile Probation Department. Present were: Commissioners Leslie Van Beek and Pam White, HR Generalist Jennifer Allen (via conference call), Deputy PA Zach Wesley, Chief



Probation Officer Elda Catalano, and Deputy Clerk Monica Reeves. Ms. Catalano has been working with HR to update positions for the past year and she would like to change her position from the Chief Probation Officer to a director position. Because it's a shared employee position she met with the Trial Court Administrator to ask for input and he had no concerns with her request. Zach Wesley said from an HR and legal perspective he supports the change as it brings it into line with County directors and it fits better within the County structure. He also noted the importance of going to the courts about this title change. Ms. Catalano said nothing has been added or deleted from the job description, it simply illustrates that she manages the overall department and develops the budget. Jennifer Allen said the only real changes are the title and description itself, the salary range stays at the same level. She also noted that Director Baumgart worked with Ms. Catalano on the description and title and she supports the changes that have been made. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the resolution changing the title and job description for the Director of the Juvenile Probation. (See Resolution No. 21-016.) The meeting concluded at 8:41 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING ADDENDUM NO. 1 TO CANYON COUNTY FAIR EXPO IFB

The Board met today at 9:01 a.m. to consider signing Addendum No. 1 to the Canyon County Fair Expo Invitation for Bids (IFB). Present were: Commissioners Leslie Van Beek and Pam White, Deputy PA Zach Wesley, Facilities Director Paul Navarro, Fair Director Diana Sinner, Deputy PA Brad Goodsell, and Deputy Clerk Monica Reeves. Zach Wesley said over 50 questions have been submitted for this project so he is asking to extend the question deadline because they need more time to respond to questions, and some information needs to go back to the architect. The addendum considered today alters the schedule and changes the deadline to February 12th at 5:00 p.m. Addendum No. 2 will be considered at 9:00 a.m. on February 16th. Bids are due February 23rd and will be opened that same day. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve Addendum No. 1 to the Canyon County Fair Expo Invitation for Bids. The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

#### LEGAL STAFF UPDATE AND TAKE PUBLIC COMMENTS REGARDING SOLE SOURCE PROCUREMENT FOR PUBLIC WORKS CONSTRUCTION FROM PRECISION GRADING AND EXCAVATION FOR CELEBRATION PARK EAST END RV IMPROVEMENTS

The Board met today at 9:07 a.m. to take public comments regarding the sole source procurement for public works construction from Precision Grading and Excavation for Celebration Park East End RV improvements. Present were: Commissioners Leslie Van Beek and Pam White, Commissioner Keri Smith arrived at 9:09 a.m., Deputy PA Zach Wesley, Facilities Director Paul Navarro, Deputy PA Brad Goodsell, and Deputy Clerk Monica Reeves. Via Webex: Parks Director Nicki Schwend and Laura Barbour. On January 26, 2021 the County issued a sole source procurement notice that ran in the Idaho Press Tribune for 14 days. Today was the date advertised to hear public comment

on the matter. This project is grant funded and there is a deadline to expend that grant money. The County went through an RFP process to identify a design contractor and ended up with a contract that was far outside the budget. A contractor has been identified to do the work and because it would be disadvantageous to go through another procurement process we filed a sole source notice in order to have the groundwork done. Paul Navarro said the contractor has worked on several projects for the County and is currently finishing a project for the State Department of Parks in Hailey, Idaho. His proposed contract price is within budget. No public comment was received on the sole source procurement. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted to close public testimony. Zach Wesley said the contract is the standard public works construction contract. The price of the work is \$272,600 which is grant-funded. The work will begin on March 1<sup>st</sup> and completed by May 31<sup>st</sup>. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve and sign the contract with Precision Grading & Excavation for public works construction at Celebration Park. (See Agreement No. 21-006). This portion of the meeting concluded at 9:16 a.m., and as part of the legal staff update the Board went into Executive Session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 9:16 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (i) to discuss a personnel matter, and 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 Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA's Zach Wesley and Brad Goodsell, and Deputy Clerk Monica Reeves. Brad Goodsell left at 9:40 a.m. The Executive Session concluded at 10:42 a.m. with no decision being called for in open session.

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

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

The Board met today at 10:42 a.m. with the Director of Information Technology to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, IT Director Greg Rast, Assistant IT Director Eric Jensen, Business Manager Caitlin Pendell, Development Operations Mark McMinn, Operations Manager Don Dutton, Assessor Brian Stender and Sr. System Analyst Steve Onofrei (arrived at 10:57 a.m.) and Deputy Clerk Jenen Ross. Director Rast reviewed the IT Service book was reviewed with the Board focusing on the following areas:

- Metrics & Comparable between Ada County IT and Canyon County IT in relation to staffing

- Operations
  - Overview and summary of services
  - Operations Manager job function
  - Municipality network connections & map
  - Microwave connections to remote sites
  - Data storage
  - Dedicated server hardware
  - Camera system architecture, design and implementation
- Skype records retention
  - Instant messages are accessible for records requests and retained for 7 years with email retention being 10 years
- Development
  - Cost savings of in-house Imaging Specialist
  - In-house developed applications and support
- Project Management
  - Breakdown of budget costs from 2017 thru 2020

At the request of Commissioner Van Beek, Director Rast spoke about how his department works thru and prioritizes the day-to-day work and the projects. Additionally, Commissioner Van Beek asked Director Rast in the interest of time the Board requested another meeting be scheduled to discuss server space provided to the Ambulance District and additional services, disaster recovery overview in regard to budgeting, Sunbelt Controls and for a high-level discussion regarding expansion and what it looks like from an IT standpoint. The meeting concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ASSESSOR TO DISCUSS BOARD OF EQUALIZATION MATTERS

The Board met today at 11:18 a.m. for a meeting with the County Assessor to discuss Board of Equalization matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Sr. System Analyst Steve Onofrei and Deputy Clerk Jenen Ross. Commissioner Van Beek made a motion to convene as the Board of Equalization. The motion was seconded by Commissioner White and carried unanimously.

Assessor Stender presented the 2020 Transient property roll to the Board. This is construction equipment that spends part of the year in various counties throughout the state. The owner files with the home county where the equipment resides for the majority of the year, the value is then distributed based on the number of months it spends in other locations. County-wide there is \$60M on this roll. Assessor Stender said there were no appeals on this roll, it just requires acknowledgement from the Board that the Assessor's Office has completed their portion and it will be passed on to the Clerk. The abstract will be filed with the state tax commission. At the request of Commissioner Van Beek, Mr. Onofrei gave additional detailed information about the

transient roll. The meeting concluded at 11:28 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO TAKE COMMENT REGARDING THE ASSESSOR'S PROPOSED DMV ADMINISTRATIVE FEE INCREASE

The Board met today at 3:01 p.m. to conduct a public hearing to take comment regarding the Assessor's proposed DMV administrative fee increase for new and renewal vehicle registrations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, DMV Supervisor Kimbra Asqueta, Deputy PA Brad Goodsell, Steven Shake, David Beach and Deputy Clerk Monica Reeves. Present via Webex: Rachel Spacek from the Idaho Press-Tribune. Assessor Stender gave a PowerPoint presentation, a copy of which is on file with this day's minute entry. He is requesting a \$2 increase in the administrative fee hoping to hire four (4) additional staff to reduce the wait times and backlog at the DMV office. The proposal also includes a second location in Nampa.

- Serious delays started occurring on October 13, 2020 for all DMV's in the state with the rollout of the state's new software program.
- It's not unusual to have 150 people in line waiting for hours in the heat and cold,
- They have updated the queuing system to allow people to wait in their cars and receive a text message when they can enter the facility. (This did not speed up the system, it just allowed people to wait in their cars out of the weather)
- Prior to the state's new software DMV could conduct 800 transactions with 14 people on the front line working for 8 hours. They could conduct 7.14 transactions per hour. After the rollout of the new software they are doing 313 transactions, 2.95 transactions per hour.
- ITD has done a good job telling people to renew online,
- Employees in other areas of the Assessor's Office are assisting with some of the paperwork.
- The DMV turns people away at 1:00 p.m. every day.
- In November of 2019 the average wait time was 9 min, 26 seconds; in November of 2020 the average wait time is 1 hour and 28 minutes. More employees are needed to push transactions through the system.
- Four additional employees would not move the needle much on the performance, but it would be more volume through the system.
- Today at 10:00 a.m. there were 110 people waiting in the parking lot. At 1:00 pm they had 131 people in line and the max wait time was 3 hours and 52 minutes.

In response to a question from Commissioner Van Beek, Kimbra Asqueta said people have become verbally abusive to employees. Due to delays created by the state's system employees are working 7 a.m. to 6 p.m. trying to get caught up and it's overwhelming. Assessor Stender proposes to

change the \$4 administrative fee to \$6. The fee for 30-day temporaries will go from \$9 to \$11 and duplicates will go from \$4 to \$6 which will generate an additional \$365,000. They anticipate it costing \$400,000 for a second facility, including employees and equipment. Commissioner Van Beek said the level of service, although not the fault of the Assessor's Office, is unacceptable to the citizens and there is high interest in figuring out how to mitigate the problems with the state's system. She has a lot of empathy for Assessor and staff and the obstacles they are trying to overcome.

**Public comment was as follows:**

Steven Shake read a prepared statement into the record, a copy of which is on file with this day's minute entry. In summary he does not think the proposed \$2 increase will raise sufficient funds to properly lease a second location and have an adequate staff to meet the present and future needs of a growing population. A second site located in Nampa needs to be a larger facility and have more employees. The population has more than doubled in the last 20 years but the number of employees has not increased proportionately. He proposes a \$4 increase in the administrative fee for vehicle registrations. He suggests 13 new positions and 9,000 square foot facility to serve patrons.

David Beach agrees with the comments made by Mr. Shakes. He owns a towing company and is at the DMV three to four times a month and the delays and backlog are creating an economic negative for the community. We need a new building and 10 more employees and he thinks the \$2 proposed fee is too low. He supports additional funding to build a facility and hire people to solve the problem.

Hubert Osborne submitted an email dated February 9 endorsing the administrative fee increase. Commissioner Van Beek said it does not make sense to approve a fee that's not going to cover the actual cost of services. She proposes the Board move ahead and authorize an allocation in the budget, and gather additional information on the site and enter negotiations to identify costs and present what that will be. Commissioner Smith wants to make sure the fee covers – and does not exceed - the cost of services. Commissioner Van Beek said the Assessor's proposal is for a \$2 increase, and Mr. Shake's is for a \$4 increase. If the fee is changed we will be required to notice it again so this will give us time to acquire additional information to consider the \$4 increase. Commissioner White said there is a desperate need for additional DMV resources but she can't make a decision without seeing the budget and all the information. Joe Cox said before they can negotiate with a landlord they need to know it will be properly funded and if the public deems it worthwhile, and whether the Board will allow the Assessor to negotiate on a site. Assessor Stender needs additional employees today. Following comments, the Board decided to continue the hearing for additional information. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue this hearing to Friday, February 12, 2021 at 9:30 a.m. The testimony portion will be left open. The meeting concluded at 3:55 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 10, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2110

The Board of Commissioners approved payment of County claims in the amount of \$1,759,425.01 for a County payroll.

CONSIDER FINAL PLAT FOR CASCADE HILLS NO. 1

The Board met today at 9:30 a.m. to consider the final plat for Cascade Hills No. 1. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida (via conference call), Kyle Pruett, Spencer Kofoed, and Deputy Clerk Monica Reeves. Jennifer Almeida gave a summary of the project which is zoned R-1 single family. Cascade Hills No. 1 consists of 25 residential lots and one common lot. The preliminary plat was approved on December 6, 2019 subject to six conditions, and conditions have been met. Keller & Associates has reviewed the final plat, and staff is recommending approval. Commissioner Van Beek had questions regarding the plat notes pertaining to fire district and highway district requirements. Spencer Kofoed spoke about plat note relating to fire district requirements and said it allows for flexibility to follow the guidelines as the County will apply the fire regulations. The project engineer said they can remove the note before recording the final plat. Director Nilsson said the best way to handle that is to have the developer work with the fire district and if there is some agreement they've come to then have the note reference that or not having anything. Next, Mr. Kofoed addressed the plat note regarding highway district requirements. He said developers cannot be required to do private walkways for citizens, but he did it and so the question is whether the highway district can require those things without an ordinance or consistent application of the rule. Discussion ensued about compliance with standards for storm water retention services. Mr. Kofoed said he's trying to be a good developer, but to him it's a matter of efficiency and the proper use of resources. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve final plat for Cascade Hills No. 1, and to amend the staff report to reflect the correct zoning to R-1 (single family residential), to remove plat note #13, and amend the language on note #5 by removing the word *does* because that agreement is not applicable to Phase 1. The meeting concluded at 9:56 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING - PRELIMINARY PLAT FOR HIPWELL ESTATES, CASE NO. SD2020-0014

The Board met today at 10:02 a.m. to go on the record to reschedule the public hearing regarding the preliminary plat request for Hipwell Estates, Case No. SD2020-0014. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to March 1, 2021 at 11:00 a.m. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS HOUSE BILL NO. 53

The Board met today at 1:17 p.m. to discuss House Bill No. 53. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, PIO Joe Decker, DSD Director Tricia Nilsson (arrived at 1:25 p.m.) and Deputy Clerk Jenen Ross.

Commissioner Smith said that the House is considering passing a bill that would no longer require public hearings be noticed in the legal section of newspapers. She noted that six emails were received encouraging the Board to stand in opposition of the bill.

Commissioner Van Beek said that it seems to be an older population that is receiving this information via the newspaper vs. online and asked about the distribution of newspapers. Mr. Decker believes that the Idaho Press distribution has increased recently although the Idaho Statesman has decreased. He agrees with Commissioner Van Beek's suggestion that it is an older population reading the legal notices. He thinks a younger population probably reads the paper but in a digital format, however, you still need some kind of subscription for access.

Mr. Decker thinks that with this particular bill is that it would be a big hit to local newspapers across the state. He feels local newspapers are important, they serve an important role in society. IAC estimates the savings statewide would be approximately \$600K if notices were moved to an online format.

Commissioner White feels there are a lot of people that are in assisted living, group homes, nursing homes, or hospitals that having the physical newspaper gives them a sense of normalcy and makes them feel connected when often they are isolated. She thinks that the cost of \$34K that Canyon County pays can be made up somewhere else and that there are people that depend on the newspaper to get their information. She supports leaving it how it is (posted in the newspaper) and also posting on the website so that it's all encompassing.

Controller Wagoner said there is a specific line item for advertising. He believes a large portion of the notices and costs are incurred by Development Services and in that case those costs would not be paid for with property taxes. DSD generates enough revenue to cover their costs. He also

feels that even if notices are posted on the website there are behind-the-scenes costs involved for someone to post, review, maintain and oversee.

Commissioner Smith feels notices should already be posted on the website as there are many people who do searches for these types of thing. Her personal opinion is that it is time for change in Idaho Code to remove the requirement, however, just because the state removes the requirement doesn't mean that the county can't continue providing notice however it would like. She feels that there are smaller local newspapers that don't receive the advantage of legal notices and that it gives an unfair advantage to the larger papers because of the state code requirement. In many cases it's less expensive to run an ad in the newspaper than a legal notice and when it's mandated like it is the newspaper has an unfair advantage in pricing those legal notices. She supports the change; however, she also supports it being put in the newspaper if that's a policy the county would like to make. She likes the idea of more local control vs. state control. At one time Director Nilsson spoke about having a plan as to how the information is distributed and documented. She thinks it's important for the county to have its own policy in place. Commissioner Van Beek doesn't necessarily disagree. Although she would not take the paper specifically to read legal notices she does understand there is a certain population that does get their information from the newspaper.

The meeting concluded at 1:31 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONTINUE THE PUBLIC HEARING TO CONSIDER A REQUEST BY JOSEPH TAGUE FOR APPROVAL OF A SHORT PLAT FOR KESTREL ESTATES SUBDIVISION; CASE NO. SD2019-0048

The Board met today at 1:33 p.m. to continue the public hearing to consider a request by Joseph Tague for approval of a short plat for Kestrel Estates Subdivision; Case no. SD2019-0048. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to continue the case to March 17, 2021 at 9:00 a.m. as requested. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 1:34 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS UPON DEATH FLOW CHART

The Board met today at 3:03 p.m. for a meeting to discuss the upon death flow chart. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Coroner Jennifer Crawford, Indigent Services Director Yvonne Baker, Case Manger Camille Tilden, IT Director Greg Rast, Treasurer Tracie Lloyd, and Deputy Clerk Monica Reeves. Today's meeting was a roundtable discussion about the upon death process that involves the Coroner's Office, Treasurer's Office and the Indigent Services Department. Commissioner Van Beek said the issue came about because of



a case where a funeral home was upset with inadvertently getting stuck with the costs of a cremation, and there was some negotiation which they did not accept as a reasonable alternative to the process. She has met with Treasurer Lloyd, Coroner Crawford, and Director Baker and had communication about developing an "Upon Death Flow Chart" which is a color-coded system that reflects the steps in the process. She noted that Brad Goodsell had previously prepared a document titled Indigent Burial in Canyon County to help the Treasurer with the public administration process, and it was suggested by Director Baker that we develop a fact sheet for different intervals that answers questions that are most likely to be asked by a funeral home. There is a flowchart from Ada County that has different timelines than Canyon County but there are statute driven timelines that are applicable to Canyon County as far as seizing assets, securing the home, and what the Treasurer has for timelines to look at that and hold assets. Commissioner Van Beek said input was solicited from six funeral homes to see if they were interested in being on rotation. The next step is to invite local funeral home directors for a roundtable discussion to get an understanding of the process so they are clear when called on rotation where the costs are going to be picked up who has possession of assets, etc. She invited IT Director Greg Rast to participate and his team developed a shared drive with the Coroner, Treasurer and indigent services where limited information can be accessed by all three parties when talking about seizing assets. Director Baker said the flow chart will be a benefit especially if it's provided to the funeral homes so they have a better idea of the process. There continue to be misunderstandings about the process. In a recent case a funeral home picked up the deceased and they waited two weeks before filing an application with indigent services and so now they are panicking because they've had the decedent since January 22 and are wondering what to do. That puts pressure on her office to get things done quickly but we are still in the investigative period. There is confusion because the funeral homes think they need to hear whether it's an approval or denial before they move forward, but in reality all the County needs is an application. The Coroner continues to search for next of kin but that doesn't prevent the funeral home from submitting an application for assistance which should be submitted within days of picking up the decedent. We are all need to be working together but the funeral homes have not caught on to that yet. Director Baker thinks the chart is great and gives all parties an idea of what goes into the process. We also need to update the resolution (No. 97-292) that addresses burials and the maximum rate schedule. There was a meeting in 1997 where it decided that Indigent Services can pay a maximum of \$1,000 on the burials and during that meeting they decided if they have less than \$1,000 in assets we would pay the full \$1,000. She wants further clarification on it because there isn't anything in writing that memorializes that decision. Camille Tilden spoke about her role in investigating the residency/indigency issues. Funeral homes believe that because the Coroner has asked them to pick up the deceased the County should pay. Treasurer Lloyd spoke of her role as public administrator and the expense associated with that process. Creditors have the authority to become personal representative of an estate, they can also get an affidavit and seize money in a bank account. If there are limited assets the indigent services office does a high-level investigation and if there are assets or personal items they estimate and determine the estate value. If the case is turned over to the Treasurer she will look at the items and determine whether it's in the best interest to step forward. In one case she estimates the County has spent a minimum of \$6,000 on an estate that's valued at \$3,000. It will be a negative asset estate because the funeral home didn't want to step forward and do what they could to get their costs and now they will only get a

percentage. The funeral home, who wanted \$2,200 for their services, would have been better off to exercise their rights and do the necessary paperwork and done it outside of her being appointed as a public administrator. Discussion ensued about the process for administrating estates. Jennifer Crawford said funeral homes are not an extension of the Coroner's Office and when they receive a call it does not mean the County is responsible for payment of funeral home expenses. When the funeral homes accept the on-call rotation they know it's an opportunity for additional business. She's told funeral homes to submit applications right away but there seems to be confusion. She spoke about her statutory role noting that her only responsibility is what is found on the body; i.e., a wallet, jewelry, etc. If there is no family she can take the items to safekeeping until she finds the family, if family cannot be located she lets the Treasurer know. Greg Rast spoke of the IT Department's role in rewriting the Coroner's case management system. The program can be updated and grant access to the Treasurer through a shared drive to help streamline the assets. Another meeting will be scheduled with the Board and this group with an invitation to the funeral directors. Coroner Crawford wants to make sure there is an agenda for the next discussion. Commissioner Van Beek will prepare an agenda and will include facts with a flowchart. Director Baker will send the 1997 resolution to Brad Goodsell and ask for an interpretation of it. Treasurer Lloyd will meet with Brad Goodsell tomorrow on public administration items so she will try to get some legal direction as to what we want to provide to the funeral homes as far as what they can to avoid the Treasurer dealing with this. No Board action was required or taken as the meeting was for discussion purposes only. The meeting concluded at 3:51 p.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO    FEBRUARY 11, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIM

- The Board has approved claim 571477 in the amount of \$90.00

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:45 a.m. to discuss matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Case no. 2021-382 does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with written decision within 30 days.

Director Baker said case no. 2020-1069 needs to be continued from February 18, 2021 to April 8, 2021. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to continue the hearing as requested.

The meeting concluded at 8:46 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 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell (left at 9:38 a.m.), Deputy P.A. Zach Wesley, Landfill Director David Loper (left at 9:17 a.m.), Clair Roper with the Board of Community Guardians (left at 9:17 a.m.), Assessor Brian Stender and Administrative Property Appraisal Supervisor Greg Himes (arrived at 9:42 a.m. and left at 10:01 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing a resolution classifying records of the Canyon County Board of Community Guardians and authorizing destruction of Guardianship/Conservatorship records and files:*** Mr. Goodsell provided background on the Board of Community Guardians as to when it started and the function it serves to the county. He is working to collect some additional information but requested a future meeting be scheduled to discuss succession planning. The Board of Community Guardians has been in place since 1987 and have 35 years' worth of records the need to do something with. A resolution has been prepared to allow certain records to be destroyed after 2 years and others 5 years after the case is closed. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Board of Community Guardians and authorizing destruction of Guardianship/Conservatorship records and files (see resolution no. 21-017).

***Consider signing Pacific Steel and Recycling Change Request No. 1 to Agreement No. 16-211, regarding scrap metal and electronic waste removal from Pickles Butte Sanitary Landfill:*** Director Loper explained that the original agreement contained an index formula determining pricing for scrap metal and electronic waste pick-up was outdated so this change order is to update the index that is used. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Pacific Steel and Recycling Change Request No. 1 to Agreement No. 16-211, regarding scrap metal and electronic waste removal from Pickles Butte Sanitary Landfill. A copy of the change order is on file with this day's minutes.

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 9:18 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, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Brad Goodsell (left at 9:38 a.m.), Assessor Brian Stender and Administrative Property Appraisal Supervisor Greg Himes (arrived at 9:42 a.m. and left at 10:01 a.m.) and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:05 a.m. with no decision being called for in open session.

At the conclusion of the executive session the Board requested that a meeting be convened with the Clerk, Assessor and Controller to discuss additional employees to address needs at the DMV.

Additionally, it was requested that messaging along with the PowerPoint presentation that was presented at the Department Administrator meeting last week be forwarded to the HR staff requesting that staff return to work at the primary physical location of the courthouse or respective offices. Mr. Wesley said he and Mr. Porter could be copied on the email to address any questions that may arise from the HR department.

The meeting concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY JOE RUMSEY FOR A REZONE, CASE NO. RZ2020-0007

The Board met today at 10:14 a.m. to conduct a public hearing in the matter of a request by Joe Rumsey for a rezone, Case No. RZ2020-0007. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Joe Rumsey, and Deputy Clerk Monica Reeves. DSD Planner Julianne Shaw participated via Webex and gave the oral staff report. The request is for a zoning amendment of Parcel R37877011B from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The property is located adjacent to Butterfly Ridge Subdivision at the south end of Monarch Lane and the Caldwell city limits are approximately five miles south of the property. This area is expected to become residential and the surrounding zoning is primarily rural residential. The P&Z Commission recommended approval on November 19, 2019. Following Ms. Shaw's report, the Board had raised questions and made recommendations to staff about changes/corrections that should be made to the findings of fact, conclusions of law and order (FCO's). The language in Item G shall be changed to conclude that at this time the rezone does not require road improvements. Future potential mitigation would occur at platting. The language in Item F shall be changed to state that an approach application is required to be submitted to the Notus-Parma Highway District at the time of development. Additionally, a change shall be made

to the staff report to remove the reference to a development agreement because this application is for a straight rezone, not a conditional rezone, and there are no conditions attached to it. Joe Rumsey testified in support of his request for a rezone of approximately 16.1 acres. He met with the Notus-Parma highway district and they said it was unlikely he would need a traffic impact study because it falls well below the required minimum for a TIS. Due to the way the land falls the district did not want a culvert. The property is un-farmable; it has irrigation rights but it's difficult to get water to it so right now it's a weed patch so he lets the neighbors run their horses on it to keep the weeds down. A few years ago, it was farmed with risers and pressurized sprinklers but the farmer was unable to successfully farm it. The property will be platted. The slopes will be behind where the house will be built. Mr. Rumsey responded to questions from the Board. Commissioner Smith said this is an area she supports development in especially with the non-prime farm land designation and the growth in the area supports this. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board directed staff to remove the reference to the development agreement, and make changes to Sections F and G of the conclusions of law. Commissioner Van Beek made a motion to accept the findings of fact, conclusions of law and order with the noted amendments and the ordinance as presented. The motion was seconded by Commissioner White and carried unanimously. (Ordinance 21-006.) The hearing concluded at 10:45 a.m. An audio recording of the hearing is on file in the Commissioners' Office.

CONSIDER REQUEST BY JAY WALKER FOR APPROVAL OF A FINAL PLAT FOR FAISAN POINTE ESTATES SUBDIVISION, CASE NO. SD2020-0020

The Board met today at 11:05 a.m. to consider a request by Jay Walker for approval of a final plat for Faisan Pointe Estates, Case No. SD2020-0020. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Matt Johnson, Jay Walker, Jerrod Fuhrman, Adam Fuhrman, and Deputy Clerk Monica Reeves. DSD Planner Dan Lister participated via conference call. All conditions have been met except for Condition #4 which requires the installation of pressurized irrigation. The applicant, Jay Walker, is requesting the plat to be signed without pressurized irrigation, but through irrigation by domestic wells instead. At the October 16, 2019 hearing the applicant expressed concern regarding the pressurized irrigation system and the plan provided, but the Board still required the condition and that the pressurized irrigation plan remain. Later, staff gave the applicants two options: they either submit an amended preliminary plat to remove that condition or install a pressurized irrigation system, however, when the preliminary plat and final plat modification was submitted on June 18<sup>th</sup>, staff noticed that on June 9<sup>th</sup> the applicant already relinquished their water rights back to Black Canyon Irrigation District so there is no way for them to put in that pressurized system. They do not have the water rights. Upon seeing that staff advised the applicant to withdraw the plat amendment and bring this before the Board to either sign it or require them to amend the preliminary plat to remove that condition. Today staff recommends the Board sign the plat even though it does not meet the intent of condition #4. The applicant proposes that each lot will have irrigation via domestic well which meets the Idaho Department of Water Resources standards. Staff is still recommending the Board sign the final plat because the irrigation proposed still meets County and state law.

Commissioner Van Beek noted the proposed subdivision is across from Middleton High School and is next to lots that are nicely developed. She has no objection because of the information staff has put on record. She asked the applicant to explain the timelines about the water rights being relinquished. Matt Johnson said from the applicant's perspective the pressurized irrigation system was always going to be problematic and so as the process went on that's what led to the sequence of timing and the relinquishment of water rights and during that time the applicant was in discussions with staff about how to handle the amendment approach that ultimately the applicant did not need. Jay Walker said the plat demonstrates possible well use, a gravity flow irrigation system, as well as a potential pressurized irrigation system and as they vetted this with the Black Canyon Irrigation District there were some decisions that pinpointed them to the resulting well use and transfer of water into the bank and confirmation with the Idaho Department of Water Resources they could utilize individual wells for ½ acre of the one-acre lots. One of the leading decisions by Black Canyon Irrigation District was the inability to get another head gate, and it would have been a disservice to the homeowners to deal with a cumbersome expensive pump station that ultimately would not operate. Adam Fuhrman stated there are no common areas to be landscaped, but they are putting in enough money for full landscaping and white vinyl 3-rail fencing for the four lots that touch Emmett Road. The CC&R's state the minimum landscaping requirements must be met and there are maintenance requirements that have to be met. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the final plat for Faisan Pointe Subdivision, Case No. SD2020-0020. The meeting concluded at 11:26 a.m. The Board went back on the record at 11:28 a.m. because in reviewing the final plat it was discovered that plat note #17 mandated fire sprinkler systems for fire suppression systems, but it has been the Board's position to not mandate those plat requirements so Commissioner Smith wanted to reopen the meeting for discussion. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reopen the meeting. Commissioner Van Beek said the Board has not adopted the national fire protection code on the ordinance and she wants to strike plat note #17 and allow to the developer to negotiate that with the fire department outside of what this Board mandates. Dan Lister said that is a condition of approval in the preliminary plat and we required them to have it on the plat so how do we do this outside of a hearing process. Staff crafted the language to make it so they have to work with the fire district. It makes it so they don't just have to do sprinklers they can work with fire district on fire suppression. If the condition is changed it would have to be done at a public hearing. Mr. Fuhrman said the fire district is not flexible; they will not count the fire hydrants in the area because they want them in the subdivision. He does not know what alternative the district will accept since sprinklers are the alternative and that's how it's being sold. They are choosing to install sprinklers as an accepted alternative to installing fire hydrants. Mr. Johnson suggested the Board continue this matter so they can follow up with staff and address the legal issue, and either come back under a public hearing amendment process or simply come back with a continuance. Comments followed regarding the hearing process. Commissioner Van Beek said it seemed like a lot of restriction was placed on this development and she wants to help facilitate the process because there is consensus that the fire requirement would be deemed unfair with this current Board because it has taken a position that is not required. She proposes a short hearing to vacate condition #9 and plat note #17. There was additional discussion regarding the hearing process. Mr. Johnson said the developers want to move ahead with signing the plat

as-is and the developer will work with staff to figure out a minor plat amendment or vacation rather than create potential procedural issues. Deputy PA Zach Wesley arrived at 11:51 a.m. and was briefed on the issue and then he asked questions of Mr. Lister. According to Mr. Wesley the best course is to sign what's available now and leave that condition in place and go back through with an amendment to the plat that way we have a hearing process and everything can be noticed appropriately and then you can sign the revised mylars at that point. Commissioner Smith asked if we can do a simple change or will it require a minor replat? Mr. Wesley said the historic interpretation for any plat note amendment is that it is a substantial change and requires going through the final plat hearing. This needs to go back through the final plat hearing procedure, not a minor replat. It does not have to go back to the P&Z Commission for review. Mr. Johnson said the developer requests the Board confirm its already-approved motion to finalize this and they will proceed with staff on the process. The Board agreed and said it will not charge any additional fees to the applicant on this matter. Commissioner Van Beek wants staff to do in the shortest timeframe possible everything to accommodate a request to vacate that plat given the discussion taken place today. The meeting concluded at 12:07 p.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 12, 2021

PRESENT: Commissioner Keri K. Smith, Chair - Out of the office  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 571422 to 571476 in the amount of \$52,107.69

APPROVE DONATION FOR ANOTHER EMPLOYEE'S SICK LEAVE REQUEST

The Board approved a donation for another employees' sick leave request form for Elda Catalano.

PUBLIC MEETING TO CONSIDER RESOLUTION GRANTING CREATIONS UNLIMITED MACHINING, INC. A PROPERTY TAX EXEMPTION PURSUANT TO IDAHO CODE 63-602NN

The Board met today at 9:01 a.m. to take public comment on the proposed resolution to grant Creations Unlimited Machining, Inc., a property tax exemption pursuant to Idaho Code 63-602NN. Present were: Commissioners Leslie Van Beek and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Sr. System Analyst Steve Onofrei, Property Appraisal Supervisor Greg Himes, Beth Ineck, Nampa Economic Development Director, Wes and Sandy Rathi, Steve Shake, and Deputy Clerk Monica Reeves. Present via Webex: Deputy PA Brad Goodsell and Rachel Spacek from the Idaho Press-Tribune. Creations Unlimited Machining is a business that manufactures custom high-end C&C equipment, and they are relocating to Canyon County from California. Joe Cox and Beth Ineck spoke of the job creation and wage aspect. The applicants agreed to the terms and conditions of the resolution. All of the taxing districts affected by this exemption received notice of the hearing although no one was present to offer comment today. Following comments by the Board, Commissioner White made a motion to sign the resolution granting Creations Unlimited Machining, Inc., a property tax exemption pursuant to Idaho Code Section 63-602NN. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Resolution No. 21-018.) The meeting concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ASSESSOR TO DISCUSS BOARD OF EQUALIZATION MATTERS

The Board met today at 9:16 a.m. with the County Assessor review Board of Equalization (BOE) matters. Present were: Commissioners Leslie Van Beek and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Sr. System Analyst Steve Onofrei, Property Appraisal Supervisor Greg Himes, Steve Shake, and Deputy Clerk Monica Reeves. Present via Webex: Deputy PA Brad Goodsell and Rachel Spacek from the Idaho Press-Tribune. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to reconvene as the Board of Equalization. (This is the second part of the discussion that was originally held on February 9, 2021.) The Assessor submitted the following handouts: 2020 Missed Supplemental & Occupancy Assessed Valley by Taxing District; Property Tax Reduction Preliminary Roll – Occupancy; and Occupancy Value. Comments were offered by Assessor Stender, Greg Himes, and Steve Onofrei with a brief discussion that followed. Assessor Stender said there were no appeals this year so he requested the Board acknowledge that they will move this along in the property tax system and transfer the roll from the Assessor's Office to the Auditor's Office, and the Treasurer will begin billing from there. No Board action was required or taken as the Assessor was simply sharing information. The meeting concluded at 9:25 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING REGARDING THE ASSESSOR'S PROPOSED DMV ADMINISTRATIVE FEE INCREASE

The Board met today at 9:26 a.m. for the continued hearing regarding the Assessor's proposed DMV administrative fee increase. Present were: Commissioners Leslie Van Beek and Pam White, Assessor Brian Stender, Property Appraisal Supervisor Greg Himes, Steve Shake, and Deputy Clerk Monica Reeves. Present via Webex: Deputy PA Brad Goodsell and Rachel Spacek from the Idaho



Press-Tribune. Assessor Stender said other matters have come to light between the last hearing date of February 9<sup>th</sup> and today so he want to postpone the hearing to February 18, 2021 in order to explore different options such as possibly funding a few positions from the property tax roll and then have a discussion on what we do with fees closer to the budget cycle. Commissioner Van Beek said it sounds like there will be two discussions, two scenarios that will be presented next week. Assessor Stender said he and others, including the Ada County Assessor and members of the Governor's staff, will meet with ITD next week to try to iron out a scenario on how the state will help them get caught up and move through the future until the system is more stable. Commissioner Van Beek asked if he will still need for additional employees if ITD is able to assist. Assessor Stender said yes he will need additional staff. He currently has three to five employees working on the weekends to help catch up but they are burned out. To date they have spent \$13,000 on overtime costs, which ITD plans to help pay for. Steve Shake suggested Assessor Stender or the Board solicit the support legislatively (perhaps through Representative Chaney) and find out what's going on over there. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to February 18, 2021 at 9:30 a.m. The hearing concluded at 9:34 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE PARKS DIRECTOR TO DISCUSS REVISIONS TO JOB DESCRIPTIONS, TITLE CHANGES AND SALARY CHANGES FOR POSITIONS IN THE PARKS DEPARTMENT

The Board met today at 10:00 a.m. with the Parks Director to discuss revisions to job descriptions, title changes and salary changes for positions in the Parks Department. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. HR Generalist Jennifer Allen participated via teleconference.

***Consider signing a resolution to revise job descriptions, title changes and salary changes for positions in the Parks Department:*** Director Schwend spoke about several positions within her department that have been recently vacated. She has been working with HR to update 4 different job descriptions and salaries, some are minor changes related to the department name changes. Director Schwend gave a brief overview of some of the changes made to each description. A copy of each job description with salary ranges are on file with this day's minutes. Commissioner Van Beek made a motion to sign the resolution to revise job descriptions, title changes and salary changes for positions in the Parks Department. The motion was seconded by Commissioner White and carried unanimously. See resolution no. 21-019.

The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2021 TERM  
CALDWELL, IDAHO FEBRUARY 16, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 571396 to 571421 in the amount of \$19,526.37

CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR JANUARY 2021

The Board met today at 8:48 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for January 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Treasurer Tracie Lloyd arrived at 8:56 a.m. and left at 8:58 a.m.

Commissioner Van Beek gave a brief explanation of the tax charge adjustments to Commissioner Smith. The Board would like to continue this meeting to a time when the Treasurer's staff is able to attend the meeting. Commissioner Van Beek made a motion to continue the meeting to a time when Treasurer staff is available. The motion was seconded by Commissioner White.

Treasurer Lloyd arrived 8:56 a.m. to answer Board questions regarding the adjustments. Once all questions had been addressed Commissioner Van Beek made a motion to sign the tax charge adjustments by PIN for January 2021. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 8:59 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 Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 9:03 a.m.), Deputy P.A. Mike Porter, Fair Director Diana Sinner (left at 9:03 a.m.), Facilities Paul Navarro (left at 9:03 a.m.), Elections Supervisor Haley Hicks (left at 9:07 a.m.), Elections Specialist Brandi Long (left at 9:07 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

**Consider signing Addendum 2 for Canyon County IFB Fair Expo Building construction project:** Zach Wesley explained that questions regarding this project were received until last Thursday at 5:00. Due to the volume of questions received this addendum extends the deadline by another week. Director Navarro indicated that 151 questions were received which he feels is a good situation so more questions can be answered now instead of having change orders once the project begins. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign addendum no. 2 for the Canyon County IFB Fair Expo Building construction project. A copy of the addendum is on file with this day's minutes.

**Consider signing a resolution classifying records of the Canyon County Clerk and authorizing the destruction of certain records:** Mike Porter spoke about records retention in regard to permanent, semi-permanent and temporary. The documents to be destroyed have been reviewed by legal and qualify under the categories listed. A specific breakdown of documents to be destroyed are outlined in the resolution. Several questions posed by Commissioner Van Beek were addressed by Ms. Hicks. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the destruction of certain records (see resolution no. 21-020).

Commissioner Van Beek asked about the process of requesting Board meetings. Commissioner Smith said all EOs need to follow the process of going thru the Board and Chairman to request meetings. Discussion ensued about an upcoming meeting regarding security; since it is an open meeting anyone is welcome to attend. Commissioner Smith indicated she will reach out to the other EOs informing them of the meeting request process.

Commissioner Van Beek spoke about an email that was just received from the Sheriff requesting the meeting to discuss security matters be limited to include the Sheriff, legal, Judge Southworth and the Board. In response to a question from Commissioner White, Mr. Porter said the meeting could potentially go in to executive session but wouldn't necessarily have to. Commissioner White feels that the Sheriff's request should be upheld. Commissioner Smith would like to see the meeting left as it is with the option to go into executive session if it moves that direction.

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

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

The Board met today at 10:18 a.m. with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Assistant Director of Juvenile Detention Shawn Anderson, Director of Misdemeanor Probation Jeff Breach (arrived at 10:08

a.m.), Director of Juvenile Probation Elda Catalano (arrived at 10:09 a.m.) and Deputy Clerk Jenen Ross. Director Brown updated the Board on the following:

- Number of juveniles in custody has fluctuated between 15 and 23 for the month of February. Currently they have 19 in custody and Director Brown reviewed the numbers as follows: 11 from Canyon County, 3 from Payette County, 1 from Gem County, 1 from Malheur County and 3 from the Department of Juvenile Corrections.
- They are working on replacing some beds in the garden. The wood was purchased with grant funds and the veterans garden will provide topsoil and woodchips.
- There is a dryer that is 22 years old and needs to be replaced. A new dryer will cost approximately \$4000 and Director Brown has worked with Director Navarro who has indicated his budget can absorb about ½ the cost. Director Brown said he has funds available in his miscellaneous and repair and maintenance budgets that could be used for the other half. He plans to account for replacement of the other one in case it goes down although the Board is in favor of replacement before the dryer completely dies out.
- Sean Anderson said that training certification for defensive tactics will be happening within the next month.
- Discussion ensued regarding wage increases for part-time employees. Commissioner Smith is supportive of having a plan in place and thinks employee retention is really important. She would like to see a plan from Director Brown in how he would handle this.

The meeting concluded at 10:18 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 10:18 a.m. for a monthly meeting with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Probation Elda Catalano, Fleet Director Mark Tolman (arrived at 10:45 a.m.) and Deputy Clerk Jenen Ross.

Director Catalano updated the Board on the following:

- Her department is starting the planning of the 6<sup>th</sup> Annual Truancy Kickball event. There is a partnership in place with the United Way of Idaho as the financial sponsor; she is working with Zach Wesley in order to get the latest MOU on the agenda for Board consideration.
- They are participating in the Contingency Management Program with Oregon Social Learning. She will soon be receiving the \$2500 incentive for participation as a reward for the Probation Officers. Contingency Management is a specific approach to get juveniles to comply with their conditions of probation by utilizing incentives and rewards. Oregon Social Learning provides the incentives and rewards for the juveniles and anytime a youth

is involved in the program they provide \$425 per student to Juvenile Probation to be used. Last year they enrolled 8 youth, this year they are hoping to increase the enrollment number because it is an effective program.

- The Institutionalization of Status Offenders program is back and running; she has one part-time officer that is grant funded and specific to that program. Currently that person is doing ride-alongs with law enforcement as that is where they are identifying the kids who will benefit most from the program. The program runs thru the end of September.
- Gang activity is starting to increase so she is working with law enforcement to search homes when appropriate and/or necessary.
- Next month Joe Langan with the Idaho Department of Juvenile Corrections will attend the meeting to give an overview of the relationship with the County, funding and answer any questions from the Board.
- Commissioner Van Beek requested to see Director Catalano's 1, 3, and 5 plans and asked for her input on the Youth Court. Additionally, she would like there to be discussion about her drug testing policy and the potential of applying it county-wide.

Director Breach updated the Board on the following:

- Last month he attended the magistrate judges meeting. POs are spending an enormous amount of time just sitting in court. He may need to look at adding additional POs if/when more magistrate judges are added. There is a combination of reasons why hearings are taking so much more time including defendants delaying their case, judges granting continuances, attorney's not being prepared for court amongst other reasons. Commissioner Smith asked if there is something that can be done to increase efficiencies, if perhaps a meeting with the ADJ and TCA could be helpful. Director Breach isn't sure a meeting would be helpful because traditionally ADJ's have been hesitant to tell other judges how to run their courtrooms. He also feels that once more courtrooms are added additional staff will be inevitable.
- His department is working with Serenity Wellness on their Cares program which is for people on probation and in jeopardy of being terminated from treatment in-turn getting a probation violation for being non-compliant.
- He has completed his org chart which he will forward to the Board. He did ask for more direction on what kind of information the Board is looking for with the reopening plans that have been requested. His department has been open but limiting appointments due to maintaining social distancing. In response to a question from Commissioner Smith, Director Breach said what they're doing right now is probably about the best they can until vaccines are more readily available to the public and fewer CDC guidelines requiring social distancing are implemented. Commissioner Smith asked him to indicate that there are still concerns about a mass of people but will continue scheduling appointments and that all employees are at work.

Director Catalano added that her office has been open to the public and they are not restricting anything other than probation officers are not meeting with clients in their small offices due to social distancing recommendations. If someone comes into the office they will meet with them in one of the conference rooms. Commissioner Smith said Director Catalano can submit her plan just stating the department is functioning as normal with the minimal exceptions outlined.

The meeting concluded at 10:56 a.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 10:57 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- They are starting the upfitting on new patrol vehicles.
- He is getting ready to send vehicles to auction. This year an auction service will be used instead of the public surplus auction that has been used in previous years. The contract is with legal for review.
- He is working with legal on a contract for uniforms. There is a new public sector partnership available that could save about 50% of what they're currently spending.
- Commissioner Van Beek spoke about how vehicle budgeting is under each department or office and not all under the Fleet budget. Once a vehicle is sold/auctioned the funds are returned to the current expense fund instead of the Fleet budget.
- He is working with area carwashes inquiring about their programs for certain county vehicles. The Board is in support of contracting with Epic Shine as they are locally owned.

The meeting concluded at 11:16 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH DEVELOPMENT SERVICES DEPARTMENT DIRECTOR AND STAFF TO CONSIDER ACTION ITEMS

The Board met today at 1:30 p.m. with the Director of the Development Services Department Director and others to address several matters and action items. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Director Tricia Nilsson, DSD Planner Jennifer Almeida, DSD Admin. Specialist Kathy Frost, Code Enforcement Officer Eric Arthur, Code Enforcement Officer Nicholas Wood, IT Director Greg Rast, Computer Network Technician Ben Larson, Chief

Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley and Deputy Clerk Monica Reeves. The items were considered as follows:

***Reschedule public hearing to consider a request by Lee Family Trust for preliminary plat approval of Solitude Creek Subdivision, Case No. SD2020-0016*** – Jennifer Almeida reported that the applicant is still working with the highway districts and have requested a continuance. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reschedule the hearing for the preliminary plat for Solitude Creek Subdivision to February 24, 2021 at 9:00 a.m.

***Meet with DSD Director to discuss general issues, set policy, and give direction*** - Commissioner Smith spoke of the technical difficulties experienced in land use hearings when displaying information via Webex and when the Board has questions of staff so she would like to have DSD planners appear in-person for land use hearings rather than appearing virtually. Director Nilsson said she will work with IT to address the technical issues of planners logging in and being on Webex and work out the details of who the presenter will be, who is sharing their screen, etc. She said they have a target date of April 15 which means they need to have the technical issues resolved by March 15. Director Rast said the new equipment for the Board's meeting room will arrive this afternoon so the system will be operational this afternoon. Commissioner White asked about the possibility of having legal counsel present for those hearings. Sam Laugheed said we can talk about when the Prosecutor is available. Zach Wesley said if DSD is aware of an issue in advance that would be helpful. (Director Rast and Ben Larson left at 1:40 p.m.)

***Discussion regarding code enforcement caseload and establishing a new process*** - Commissioner Smith said she's heard frustration from constituents that we do not have enough tools to adequately enforce some compliance versus our standard go-to voluntary compliance, or competing with the other criminal and civil cases. Zach Wesley said when we last met there was discussion about the City of Middleton's code which has a staggered infraction schedule where the first penalty is \$50, then \$100, etc., and then it goes to a misdemeanor whereas the County's process is immediately misdemeanor. The difference between the two approaches is going to be a lot in the process and resources involved. The infraction schedule Middleton uses does allow for more of these immediate direct fees that are less burdensome on the court. If the Board wanted to go back to infractions it could be accomplished by going through an ordinance amendment process. Discussion ensued regarding penalties and fee structures. Commissioner Smith asked if we can have an ordinance that sets the tone for infractions with the process like Middleton has that has the different levels. We are trying for voluntary compliance but also giving notice of the fees because of the work the County has to do. Is there a way to do that so if we abate we can also affix those costs to the tax roll to recoup the money? Mr. Wesley said yes, the current ordinance contemplates that sort of procedure. With regard to the civil penalty procedure that Eric Arthur contemplates, Mr. Wesley said there is not a good model for that in Idaho that he's aware of so if we are going to build something like that we will have to look to the state authority and it would require additional processes with the Board. Eric Arthur said we still have absentee property owners where it's difficult to cite them so that's why he is proposing something in addition to criminal, to have something administrative with an appeal process to the

either the Board or the P&Z Commission. He said there needs to be some other method of compliance other than only criminal – whether it's infraction or misdemeanor, we have to do something else. There was discussion regarding the expenses the County incurs in compliance issues and the need to have fees to cover those services, but Mr. Wesley said we need to be careful because it's not a service we are providing, it's a penalty for the failure to follow the law and there would be fees associated with it that go to the court system. The infraction model will not be a significant revenue generator. If you're going to institute a staggered progressive penalty violation it needs to be something without discretion. Follow-up discussion ensued. Director Nilsson offered to prepare a flow chart of the current system and how abatement fits in and when it comes to the Board. Commissioner Smith asked for a blended model that gave us the tools to have the infraction. Sam Laugheed said it would be helpful to know which of the 300 cases DSD is worried about, and he wants to know the basis of the conclusions that are being drawn. Commissioner Smith said it's been an ongoing problem for several years and she heard from constituents who express frustration about the lack of enforcement. One common denominator that's always existed is there is normally only one code enforcement officer and it's so understaffed no one had a chance to succeed. Mr. Laugheed said that doesn't mean the Sheriff's Office and local law enforcement aren't doing their own public nuisance cases. He would like to know of the 300 cases how many are weeds, or public nuisances, or zoning issues. Commissioner Van Beek said Eric Arthur's proposal would be to have the people with that expertise feed information to him with direction on how to proceed. Mr. Laugheed said if the concern is that the PA's Office isn't prosecuting things the way people might prefer that's a completely different discussion than what can we do to help the ordinance. Commissioner Van Beek said she's heard a desire for additional policy and clarification on policy and that there are competing interests in the PA's Office that put the code enforcement cases at a lesser priority. Commissioner Smith said while she understands there are competing interests, we still have ordinances we want to comply with and there needs to be more tools before it goes to the PA's Office and it needs to be more than voluntary compliance. We want to add to the ordinance and have other tools that can be available for Eric Arthur. Commissioner Van Beek asked about a fee structured that includes logged hours. Mr. Wesley said the fees have to reflect the service provided and most of these are the weed cases where you send somebody out once, make a call to the service provider and they mow weeds. The fee structure is probably not going to recoup the costs on the cases that have been ongoing for years. Infractions are capped by statute and misdemeanors are capped at \$1,000 penalty by state law. Director Nilsson talked about having a standard monthly report of where the cases are at. Oftentimes when they get a violation they try to give the property owner some time to come up with a plan and she would like to talk about how that could be more structured in the ordinance so instead of going to an infraction we can have a compliance plan so we don't have to spend money on abatement. Of the 300 cases where could we get voluntary compliance and then what would have to advance to an infraction or use up other resources. Mr. Arthur said we need to pick a process and move forward with it. He needs direction and a determination on where we need to go. Commissioner Smith asked the parties to work together on an ordinance that outlines the infraction process being added, and then a clear process that gets us to a Board decision for abatement or misdemeanor, and abatement being that we can add that to the tax roll so we can recoup the costs. Director Nilsson will prepare a flow chart of what the current process is and how



abatement fits in. The meeting concluded at 2:26 p.m. An audio recording is on file in the Commissioners' Office.

## FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 17, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

### APPROVED CLAIMS

- The Board has approved claims 571634 to 571669 in the amount of \$22,522.29
- The Board has approved claims 571598 to 571633 in the amount of \$36,104.75
- The Board has approved claims 571584 to 571597 in the amount of \$17,271.00
- The Board has approved claims 571478 to 571519 in the amount of \$93,367.49
- The Board has approved claims 571359 to 571395 in the amount of \$25,628.20
- The Board has approved claims 571580 to 571583 in the amount of \$22,923.00

### APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Terrence Martinez, Computer Network Technician.

### PUBLIC HEARING – CONDITIONAL REZONE REQUEST JARDINE FAMILY TRUST, CASE NO. CR2020-0011

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Jardine Family Trust for a conditional rezone, Case No. CR2020-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, TJ Wellard, and Deputy Clerk Monica Reeves. Present via Webex: Teresa Jardine and Deputy PA Zach Wesley. Commissioner Van Beek disclosed that she had ex parte communication with Teresa Jardine, who reached out to her while she was in the midst of the application process, and they had a conversation about the application and the family dynamics, but Commissioner Van Beek had no idea where the application would go but she doesn't feel like that conversation will prohibit her from making an objective decision. Additionally, she requested information from Director Nilsson and that information has been provided to the other Board members for discussion today.

Deputy PA Zach Wesley had no concerns with the disclosure. Jennifer Almeida gave the oral staff report. The property is approximately 1.75 acres not located within an area of city impact for a floodplain and the applicant is requesting to rezone of the property from Agricultural to CR-R1 (conditional rezone single-family residential). In 2020 they applied for a secondary residence to care for their aging parents, however the mortgage company required the home be on its own parcel. In 2020 approximately .75 acres was divided off the parcel due to requirement that the home be on its own parcel and in doing that it fell below the one-acre minimum lot size so they were required to receive approval of a variance of the lot size. They gained approval on December 1<sup>st</sup> of last year. The applicant is also requesting a rezone to comply with code. The home will be adjacent to existing homes that are clustered along Dearborne Road and would not impact the agricultural uses that are adjacent to the subject property. Both the P&Z Commission and staff are recommending approval. Commissioner Smith had questions about issuing a variance when it wasn't zoned yet, and she asked if it was the correct process to apply for a variance in a zone that didn't exist. Zach Wesley said the scenario does not present any legal issues although there may be some procedural things the Board would want to evaluate, but he needs to look at the documentation first. Commissioner Smith said the order states the decision was to reduce the average minimum lot size in an R-1 zone to .75 acres for this parcel. Her other problem with the variance; she does not see how an actual site characteristic created the hardship whereas it was created by an administrative land division. The parcels were set in size because of that and because of the ordinance requirements at the time so she doesn't know how that creates a specific site characteristic that would support a variance per state statute and the zoning ordinance. If we can do a variance on an R-1 zone that doesn't exist yet why can't we do a variance on the agricultural zone and just keep it zoned ag with the variance? There is a decision varying it and it would stand but the land isn't zoned R-1 yet and so her question is procedurally is the Board okay to issue a variance on land that isn't zoned R-1? Ms. Almeida said we have a couple different variances: one that the director can approve if it's below 33%. Anything more than that has to go through a public hearing process. This case was an administrative decision, it was not heard by the P&Z Commission. Commissioner White said west of the property is a large agricultural parcel and an adjustment of the western property line would interfere with farming operations on the adjacent parcel and she believes that creates a problem because it would damage the farm-ability of a neighbor and that is a hardship. Commissioner Smith said the zoning ordinance already allowed for the land division and secondary residence to be built on the current land so there is not a site characteristic that did not allow for the construction of the home. Mr. Wesley said it looks like they were filed at the same time but the variance worked its way through the process quicker than the P&Z Commission process. The variance probably should have happened after the hearing but the question about whether there is a hardship is not before the Board today; that's an appropriate question to discuss with staff afterwards, but the variance isn't directly before the Board, it's not been appealed and would be final under the ordinance unless it was appealed. The issue for today is the question of the rezone from Ag. to R-1. Commissioner Smith had follow-up questions for staff about the site and the secondary residence permit. She noted that there is no approval for Parcel B. TJ Wellard testified on behalf of the applicant. The original parcel was owned by Pancheris who are relatives of the Jardines and when they did the original land division they split off the existing house on the parcel in question today. They came to him and asked to adjust the property line of the subject property to incorporate more land so the

Jardines could build a secondary residence to take care of their aging parents. They went through the process to get approval for a property line adjustment which increased the parcel from one acre to 1.75 acres. There is a strip of fallow ground between the two houses so that is the additional .75 acres that was added to this parcel to increase its size so they could put a secondary residence on it. They thought about going larger because they thought they would have enough money to build a house without having to get a mortgage so they went forward with the 1.75 acres because the other family member did not want the parcel to jog out 20 feet into the field making farming difficult and wasting more good farm ground so they went with the 1.75 acres hoping they could finish construction without getting a mortgage. In order to get a parcel for the mortgage company they had to create the parcel. Today they have two parcels: one-acre with the house and the .75-acre they created for the secondary residence. With regard to the hardship, Mr. Wellard said it's more of a site characteristic because if we want to preserve farm ground we can have a .75-acre parcel without ruining over an acre of farm ground. The variance was requested because they need to reduce the size of the parcel so as not to waste farm ground to meet an acreage. The site is already approved for access with the highway district, and well and septic with the health department. The size of the lot is not constraining being able to put the house on it. He said they cannot ask for the rezone unless they know they can get approval for the variance. If they don't get one or the other – or both – it's a no-go no matter what. Following his testimony Mr. Wellard responded to questions from the Board. Commissioner Smith had additional questions regarding staff's findings. Teresa Jardine confirmed that Commissioner Van Beek's summary of their conversation from September was an accurate recollection of the conversation that took place. She said they pursued two different banks for financing and both required it to be in their (Jardine) name so they pursued the split to get the parcel into their name. In response to a question from Commissioner Smith, Ms. Jardine said if the rezone is not approved the home will still be constructed. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith said she understands the value of having family near you and when the zoning ordinance was adopted, and later modified, the secondary residence permit was put in place to help with those situations, but what happened here puts us in a situation where many people will take advantage of applying for a secondary residence and then going through a rezone process and having spot zoning to legitimize having two separate parcels. She recommends changes to the conclusions of law that would support denial of this request. The Jardines have other options to pursue without the Board rezoning this agricultural land that was created by a legitimate process. Commissioners Van Beek and Smith discussed the process for land divisions. Commissioner Smith pointed out that Parcel B is not an approved parcel for an administrative land division and said what will likely happen is the next application will be for Parcel B. She believes this is a way to circumvent the ordinance by applying for a secondary residence and coming in after the fact for a land division. Commissioner Van Beek made a motion to reopen the record. The motion failed for lack of a second. Commissioner White does not see this as spot zoning. They have kept it where agriculture can continue and they are doing it for a deeply personal reason which carries a lot of weight with her. She is not worried about it setting a precedent because the Board looks at requests on a case-by-case basis. Commissioner Smith asked about delaying the hearing for a review of past history on what constitutes spot zoning. Mr. Wesley would prefer to have an executive session and go over it with the Board in more detail. Commissioner Smith and Commissioner White discussed existing

zoning in the area with Commissioner Smith stating this is an example of spot zoning; the additional land division does not meet the current code which is why they are seeking a rezone. She said this area is not appropriate for a rezone. Commissioner Van Beek would like to have additional time to think about the information that's been collected and meet with legal counsel. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to Friday, February 19, 2021 at 1:45 p.m. The hearing concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO    FEBRUARY 18, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HP Inc. in the amount of \$1150.00 for Information Technology Department

#### APPROVED NOVEMBER 2020 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of November 2020 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

#### MEDICAL INDIGENCY MATTERS

The Board met today at 9:15 a.m. to consider medical indigency matters. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-318, 2021-392, 2021-304, 2021-411 and 2021-306. Commissioner White made a motion to issue initial denials

with written decisions within 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial approval with written decision within 30 days on case no. 2021-406.

Commissioner White made a motion to issue a final approval with written decision within 30 days on case no. 2019-817. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

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

PUBLIC HEARING – TAKE COMMENT REGARDING ASSESSOR'S PROPOSED DMV ADMINISTRATIVE FEE INCREASE, AND MEETING TO DISCUSS DMV STAFFING NEEDS

The Board met today at 9:32 a.m. to conduct a public hearing to take comment on the Assessor's proposed DMV administrative fee increase, and to discuss DMV staffing needs. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Assessor Brian Stender, DMV Supervisor Kimbra Asqueta, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Civil Deputy PA Sam Laugheed, Deputy PA Brad Goodsell, Steven Shake and Deputy Clerk Monica Reeves. Rachel Spacek from the Idaho Press-Tribune participated via Webex. Today's hearing was continued from last week. Assessor Stender said the original plan was to increase the administrative fee to \$2 but he wants to change that. His new plan is to fund four additional employees to help reduce wait times, and two additional temporary employees to help with customer flow. He said ITD has offered to assist with the backlog of mail-in renewals and internet transactions but they will only pay the counties \$3 of the \$4 fee that's currently being collected. Other highlights included:

- Senate Bill 1102 will allow ITD or its agent to handle title transfers and registration work
- Wait times are improving but we have a long way to go to get back to where they were
- Transactions counts are still increasing
- Today he is asking if the Board will authorize property tax funding to be used for four fulltime and two temporary employees
- A lot of Canyon County's customer base and revenue is going to DMV's in other counties..

The total cost for employees and computer equipment to get us through the year will be \$121,000. The additional employees will not generate additional revenue, but they will be able to push more people through the system compared to what they are doing now. Kimbra Asqueta anticipates the additional employees will be able to serve an additional 130 customers per day; before the Gem program they were serving 800 customers a day, compared to 400+ now. Clerk Yamamoto said

the Board is not getting the whole story as to what is going on with this program so he has invited officials from ITD to observe how long it takes to complete a transaction. Commissioner Smith asked if we can add the fee to cover the cost of doing service. Commissioner Van Beek wants to do a deeper dive during the budget season and look at the prorated costs per department given that we have growth and space needs throughout the County. To Commissioner Smith's question, Sam Laugheed said when looking at the fee increase versus the property tax, from a legal perspective he's worried about maintaining the difference between a fee and a tax so when we talk about increasing that fee we want to make sure it doesn't turn into a tax and the cleanest way to do that is to take the average time/salary per transaction and how that's changed. If we show that we can show that the fee is directly associated with the service need provided. Take the pre-ITD software change, the time it took an average to do this service and what the employee's average salary would be and then we can get an average cost per service. Now we know the time has doubled but the salary is going to be the same so the cost has gone up for just that service. Then factor in the administrative costs and then we can be close enough to what the statute says which is reasonably related but not exceed the actual cost. Assessor Stender said if we do that we are back to looking at how many people will be moving into the additional facility, there are too many unknown factors. We can do that but it will extend the timeframe to get people in chairs. Commissioner Smith said there still needs to be a decision from the Board to use property tax to pay for the employees and then we are looking at the fee, the cost of that service and then we can have a reasonable fee and evaluate what the fee increase looks like. Clerk Yamamoto agrees with Sam Laugheed and said if we raise fees to try to cut back on a four-hour wait and you cut that to three hours it's still a bad look. Commissioner Smith said if we provide the employees and look at the cost of service and use historical data plus the average of the new data now we have a better fee base. The first step is to get the employees and the next step is to figure out the cost. Commissioner Van Beek agrees and she feels our constituents would approve of the Board solving this problem and which address the immediate need for help. Commissioner White is not sure four additional employees will be enough and if we are going to hire people it has to be a sustainable funding source. Why are we raising fees if we have the money? It needs to be justifiable. Commissioner Van Beek wants to know how we are going to embrace the bigger ongoing need so it does not continue to be a current expense item. Controller Wagoner said the state implemented a new software program and system and it's not fair the Canyon County residents have to pay an increase fee, or through property tax, for what the state has pushed on us. Motor vehicle is an area where we can charge a reasonable fee to cover the cost of providing the service, but this is not going to be a profit center; we need to determine and establish what is a reasonable fee specific to the service and that fee is charged to cover only the cost of this specific service so the burden does not fall on property taxpayers long-term. Steven Shake said the people he represents agree with what the Controller said. The state has imposed this disability on the County and until the state decides what they are going to do about this program the County is not going to be able to make an assessment of what the future looks like as far as time or money. The crux of this problem depends on how fast or the state/ITD can fix this problem and until that time is established how can we assess a long-term need and how much a fee should be? Commissioner Smith said the Assessor needs additional employees whether it's the state's fault or not and we have an obligation to serve our constituents. She supports Assessor Stender working with the Clerk and Controller to figure out how we can come back with reopening and adjusting the budget

to support that need. Commissioner Van Beek supports the Assessor's request. Commissioner Smith said we do not have enough information for the fee increase. Sam Laugheed said if the Controller is willing to run the numbers for the Board to show what that would look like there could be additional discussion and an action item to consider reopening the budget for this purpose. Controller Wagoner said he prefers to reopen budget at the end of the fiscal year, but the positions can be funded sooner than that. The formal action will need to be published to formally adjust the budget. Commissioner Van Beek supports the Controller's position of waiting for one budget adjustment, and when feedback is provided, because of the unique position we have been put in financially with federal COVID funding, she would like to have the amount of the County's fund balance and what percent that represents as well as the number that is reserved for the landfill enterprise fund and what percentage of the budget that represents. A meeting and action item will be set for a later date to consider adding four employees to the Assessor's Office. The meeting concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS COURTHOUSE CAMPUS, AND LEGAL STAFF UPDATE

The Board met today at 10:20 a.m. to discuss the courthouse campus and to have a legal staff update. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Brad Goodsell, Deputy PA Mike Porter, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Paul Navarro, Assessor Brian Stender, Steven Shake, and Deputy Clerk Monica Reeves. Commissioner Smith requested the meeting because there is an adjacent property to the courthouse campus that's for sale and given the immediate need for growth and space, she wants to talk about what we have and what our goals are. Sam Laugheed said sometimes there can be an advantage to having discussions in executive session about which properties are available and which ones the County might want to acquire. Paul Navarro said overall we have set aside monies to buy blighted properties around the courthouse and that's how we've acquired most of the parking lots around the campus. Several years ago, the City of Caldwell asked us to consider integrating our master plan into a special zoning district from the railroad tracks north, past Chicago Street. At one time the County tried to purchase the Van Burren Elementary School. When we get serious about buying large commercial real estate we need to look at an asbestos survey, lead-based paint survey, roof conditions, and heating and cooling, power systems. The building code states if you manipulate at least 25% of the property you must bring the entire project to code which would include a fire suppression system, plus, we inherit the problems of asbestos and lead-based paint. The property in question today was previously discussed preliminarily and we looked at it but the difference in the County's opinion of value and the owner's opinion of value was pretty large and it died right there. He likes the idea of moving north between 10<sup>th</sup> and 14<sup>th</sup> Avenues and creating a special zoning district knowing we will need more space. Commissioner Van Beek said she did not agree with the decision to turn the property purchase Director Navarro referenced. She asked if there is a coordinated effort between the Facilities Director and the Assessor to identify properties as they come up for sale? She wants a coordinated discussion that looks at what we can do to create a special district with the city, but to offer a first right of refusal or to have a master plan that would strategically target these blighted properties as they come available. Director Navarro said when

we have a property in mind they speak with the Assessor about the assessed value and fair market value and determine if it's something we should consider. Identifying properties is one thing, trying to figure out a master plan and how to fund it is another and that's not something we've been doing actively. Commissioner Van Beek asked if there was a designated line item for purchasing properties? Director Navarro said there yes, there was capital fund to buy blighted property, which is helpful for parking control, parking issues, etc. A special zoning district will open up abilities for us to control parking. Commissioner Van Beek thought it would be a good idea to have an expanded detailed discussion, and an Executive Session was held as follows:

EXECUTIVE SESSION – DISCUSS ACQUISITION OF AN INTEREST IN REAL PROPERTY, AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION,

Commissioner Van Beek made a motion to go into Executive Session at 10:31 a.m. pursuant to Idaho Code, Section 74-206(1) (c) and (d) regarding acquisition of an interest in real property, and 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 Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Brad Goodsell, Deputy PA Mike Porter, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Paul Navarro, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Mr. Goodsell, Director Navarro, Controller Wagoner, Clerk Yamamoto and Assessor Stender left at 10:50 a.m. The Executive Session concluded at 11:25 a.m. with no decision being called for in open session. The Board continued the legal staff update to 2:30 p.m. this afternoon.

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

CONSIDER FINAL PLAT FOR STAR RIVER MEADOWS SUBDIVISION

The Board met today at 11:26 a.m. to consider the final plat for Star River Meadows Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, a representative from KM Engineering and Deputy Clerk Monica Reeves. Ms. Almeida said the property is zoned R-1 single family residential and contains 13 residential lots and one common lot. The project will utilize an internal public road. Sewer and domestic water are provided by Star Water and Sewer District, and pressurized irrigation will be provided. It is located within an AE flood zone with a base flood elevation determined. The preliminary plat was approved by the Board on January 28, 2020 subject to 8 conditions of approval and all conditions have been met. Keller and Associates has reviewed the final plat and construction drawings and recommended the plat be approved. Staff has found the plat to be in compliance with the County code and is recommending the Board sign the final plat. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the final plat for Star River Meadows Subdivision, Case No. SD2020-0019. The meeting concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.



CONTINUED LEGAL STAFF UPDATE/EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

*The legal staff update was continued from this morning, and an Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 2:32 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss named personnel and 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 Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Mike Porter, and Deputy Clerk Monica Reeves. The Executive Session concluded at 3:41 p.m. with no decision being called for in open session.

FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 19, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Thompsons commercial/industrial/CCIN Laundry Equipment in the amount of \$4,828.00 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Juil McCoy, Outdoor Recreation Planner.
- The Board approved an employee status change form for Laura Barbour, Assistant Director, Parks.

MEETING WITH CANYON COUNTY AUDITOR TO RECEIVE THE FISCAL YEAR 2020 AUDIT REPORT FROM EIDE BAILLY

The Board met today at 10:09 a.m. with the Auditor's Office and Eide Bailly to receive the Fiscal Year 2019 audit report from Eide Bailly. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Auditing Supervisor Marina Mendoza, and Deputy Clerk Monica Reeves. Present via Webex: Jodi Daugherty and Abbie Belthoff from Eide Bailly. Jodi Daugherty reviewed the required Auditor's communications:

Independent Auditor's Report

- Unmodified opinion (clean opinion)

Report on Internal Control over Financial Reporting and Compliance

- No Internal control findings and no noncompliance

Report on Compliance for the Major Federal Program and Compliance Required by Uniform Guidance

- Unmodified opinion (clean opinion)
- No noncompliance
- No internal control findings

Audit performed in accordance with auditing standards generally accepted in the United States and Government Auditing Standards

- Management is responsible for the financial statements
- Audit provides reasonable, but not absolute, assurance that the financial statements are not materially misstated
- Audit does not provide any assurances regarding regulatory compliance
- Audit is not designed to provide assurances regarding internal control over financial reporting

Financial Statements prepared in accordance with accounting principles generally accepted in the United States

There were no difficulties encountered in performing the audit; no disagreements with management; no management consultations with other independent accountants, no other matters discussed prior to retention, and there were no corrected or uncorrected misstatements.

**Significant Estimates**

- Management's estimate associated with self-insurance liability for claims incurred but no reported (IBNR/incurred claims payable)
- Management's estimate of the liability associated with the closure, post-closure and correction action costs for the landfill

- Management’s estimate of the net pension liability and deferred inflows and outflows of resources
  - Based on actuarially determined estimates

**Major Federal Program Audit**

- Dollar Threshold: \$750,000
- Not a low-risk auditee
- Coronavirus Relief Funds
  - CFDA 21.019
  - \$907,027 in federal expenditures
  - Passed through from Idaho Governor’s Office
- No material weaknesses or significant deficiencies

Abbie Belthoff reviewed the Comprehensive Annual Financial Report (CAFR)

**Reviewed statement of net position – September 30, 2020**

- Total ending net position of \$89,732,909 as 9/30/20
- Net pension liability was nearly \$28 million (last year it was \$14 million)
- Overall the county has ample assets on hand to cover liabilities

**Statement of revenues, expenditures, and changes in fund balances**

- All funds brought in more revenue than expenditures

Controller Wagoner said out of all the pages of the report this is the most important page as it shows actual revenue, actual expenditures. Financially FY2020 was a good year. Our fund balances for government funds grew by over \$5 million as result of expenditures coming in under budget and revenues came in better than anticipated. Important to recognize that we made significant capital assets elections equipment, which came in under budget at \$3 million, and costs associated with the opening of Pod 6.

The largest revenues were property tax at \$56,135,633 and intergovernmental fund at \$19.4 million.

There was a review of the estimates related to the landfill closure and post-closure costs. The landfill fund has ended with about \$20.7 million at the end of the year while the insurance fund is about \$6.2 million. The ending net position for the landfill fund last year was \$18.7 million. Discussion followed regarding the estimated costs for the landfill closure and post-closure costs. For the enterprise fund, both the revenue and cash flow funds have positive cash provided by those operating activities.

They presented a schedule of expenditures of federal awards prepared by Controller Wagoner as part of the CAFR, noting the Coronavirus Relief Fund (COVID) where that \$907,000 was received and a separate audit was conducted.

Eide Bailly reports there is “no bad news” and Canyon County is doing a great job maintaining and improving operations year after year.

The meeting concluded at 11:01 a.m. audio recording is on file in the Commissioners’ Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the Director of Information Technology to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Public Information Officer to discuss general issues, set policy and give direction

CONTINUATION OF PUBLIC HEARING – CONDITIONAL REZONE REQUEST FOR JARDINE TRUST, CASE NO. CR2020-0011

The Board met today at 2:00 p.m. for the continued hearing in the matter of a request by the Jardine Trust for a conditional rezone, Case No. CR2020-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, TJ Wellard, and Deputy Clerk Monica Reeves. Teresa Jardine joined via Webex. At the previous hearing on this case, the Board closed public testimony and continued the hearing to get a legal interpretation, which was received yesterday in executive session. Commissioner Van Beek said in the staff report there are two findings to grant a variance but the problem with that is the reasons cited do not support the findings. She doesn’t find it to be supportive of the comprehensive plan and the characteristics of the site given the history in evaluating what constitutes a variance it’s the land itself, not financial hardship or that the structure is in an undesirable location so if we wanted to find a way to support this we have to make findings that are defensible. Allowing the rezone could create a precedence. In looking at the map she finds support for putting a secondary structure on the .747-acre parcel because it would be difficult to either farm and it’s fallow ground. She does not want to penalize an applicant who applied in good faith for a secondary permit, but there is a gap that exists on how to meet the request for a secondary residence without violating or changing the zoning. Commissioner Smith said the variance decision is final and not part of her evaluation. Staff fairly applied the zoning ordinance when they permitted the secondary residence, and what happens after that set a precedence for future divisions of land for all our secondary residences and it’s not appropriate. They fulfilled all of their property rights per the zoning ordinance and their property rights are not being hindered as they have built the home they asked for per the ordinance. She personally believes agricultural policies 1 & 3 of the comprehensive plan do not support the request. This use is not consistent with the permitted uses in the rest of the zoning district so she will be recommending denial of the application. Commissioner White does not believe this request will set a precedence nor does she think it is spot zoning. Each case is weighed and considered on its own merits. She said homes are not out of character with the area, and she supports the request.

Commissioner Smith referred to zoning ordinance requirements and said this is not a single-family living area, it's a predominately agricultural area, and setbacks are different and code enforcement could become an issue. Discussion ensued about process. She believes the use is inconsistent with the rest of the district and should remain in agriculture. The County helped the Jardines with a secondary application and did everything required and that exerted their property rights to allow them to do it. The use is not consistent with the comprehensive plan; it would be a rural residential zone over the top of an agricultural designation in the comprehensive plan. When considering surrounding land uses the Board has to consider is the conditional rezone more appropriate than the current zoning district, and the answer is no. It is predominately agriculture and the agricultural zoning district is the most appropriate zoning designation. Commissioner Van Beek asked for Commissioner White's basis for approval. Commissioner White said the Jardines had moved the lines to keep everything in order and they kept the corrugated area the same. If they went to the other side, it would cut into somebody else's farmland. There are homes on Missouri and Dearborne so this request is not out of character and the way they have designed it they have protected the farmland. Commissioner Van Beek said she wants to grant this based on an emotional appeal because the applicant is in need but she cannot make a finding for that. She supports the reasons for it to be done, but she does not have the tool to do it. It is not more appropriate than the current zoning designation and the moment we allow a nonconforming change to that zone it jeopardizes some of the large-scale ag farming, and if we allow people to apply for a secondary residence permit that is then turned into a request to rezone and that has the potential to negatively affect that farming community. She was able to make four positive findings for the request. Commissioner White made a motion to approve the conditional rezone for the Jardine Trust, Case No. CR2020-0011, and to adopt staff's findings of fact, conclusions of law and order and to approve the development agreement. The motion failed for lack of a second. Commissioner Smith made a motion to deny the conditional rezone and to have the findings of fact, conclusions of law modified that support a denial of this application as rendered in the Board's deliberation specifically related to Section 07-06-07 A, B, C and D to have those changed that support a denial, and to not accept the development agreement. Commissioner Van Beek wants to decide based on the difficult position the applicant is placed in but she is unable to find support in the order of that decision that it complies with County laws, rules, and ordinances. She requested a five-minute recess to evaluate the information. (The Board took a recess from 2:45 p.m. to 2:51 p.m.) Commissioner Van Beek said as she reviewed her analysis of the criteria, she could not make a positive finding for each one and as much as she wants to say yes to this application she has to render a decision that will go against what she might believe personally. Commissioner Van Beek seconded the motion to deny. The motion to deny carried by a two-to-one split vote. Commissioner White was opposed to the motion to deny. Process requires this matter will come back to the Board for a full second hearing due to a denial being issued. The hearing concluded at 2:53 p.m. An audio recording is on file in the Commissioners' Office.

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Myron Emly, Juvenile Detention Field Training Office.

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:31 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. PIO Joe Decker arrived at 8:40 a.m. The Board reviewed this week's schedule with staff and it was decided that the following topics will be scheduled for discussion:

- Results of the Board's department administrators submitting their operational plans
- Meeting with the elected officials regarding the upcoming state of the county address
  - Commissioner Smith will work with the elected officials to see if they are interested in resuming the regular monthly meetings to discuss general county business. A determination needs to be made on whether there will be a rotating chair for those meetings.

Commissioner Van Beek wants to discuss the Board issuing a statement regarding Congressman Simpson's bill to take out four lower Snake River dams. Discussion ensued regarding the opposition to the bill. It was decided that IAC should be contacted to see if a collective statement will be issued from all counties or whether the Board of Commissioners should issue its own statement individually in support of the dams not being breached. Commissioner Van Beek spoke of email communication she has had with Claudia Haynes regarding fire suppression issues and it was decided the inquiry will be referred to Director Nilsson's fire committee. The meeting concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO LABYRINTH ESCAPE GAMES LLC

The Board met today at 9:02 a.m. to consider signing a resolution granting a new alcoholic beverage license to Labyrinth Escape Games, LLC. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution granting the alcohol license to Labyrinth Escape Games, LLC, as presented. (See Resolution No. 21-021.) Commissioner Van Beek said she wants to revamp the alcohol license application form; Commissioner Smith will contact Clerk Yamamoto about the desire to change the form which is generated by the Recorder's Office. The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUE PUBLIC HEARING – REQUEST BY HANS & CONNIE HILL BRUIJN FOR A REZONE, CASE NO. RZ2020-0018

The Board met today at 9:06 a.m. to go on the record to continue the public hearing in the matter of a request by Hans & Connie Hill Bruijn for a rezone of approximately 2.94 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. DSD staff advised that the hearing needs to be continue to a later date. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to March 18, 2021 at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS BOCC HEARING ROOM RENOVATIONS AND UPGRADES

The Board met today at 9:30 a.m. to discuss BOCC meeting room renovations and upgrades. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro, IT Director Greg Rast and Deputy Clerk Jenen Ross.

Commissioner Smith spoke about the additional tables in the meeting room and finding a way to make them a more permanent situation. Director Navarro said in order to hide wiring and make things more permanent it would require cutting the floor, addition and removal of concrete and addition and removal of conduits. For the work that is being requested they would need the room for a solid 10 days. The work tables in the courts have power and data although he doesn't think it would be necessary to add data to the meeting room tables as there is already good Wi-Fi connectivity available. In order for the tables to remain movable they would install floor boxes into the concrete for power, and although it wouldn't be easy, everything would just need to be disconnected to move the tables. In response to comments from Commissioner Van Beek, Director Rast said the microphones would be changed out to an omni-directional, instead of a uni-directional as are currently used. Although the Board wants to continue with just audio recording and not video recording Commissioner Smith asked if it would be possible to have a camera facing the other direction as currently the one camera is only able to see the Board and really not anyone else in attendance. Commissioner Van Beek asked about having video recording, Director Rast

described the implications of that in that video picks up everything, including demeanor and facial expressions. Additionally, the storage for video is about three times that of audio files.

Commissioner Smith asked for clarification on the time needed for the renovations, Directors Navarro and Rast said that the Facilities side would take at least 10 days and then IT would have to come in once Facilities has completed their side and would probably need another week or so. If needed, Board meetings can move to the Admin Building public meeting room.

In response to a question from Commissioner White regarding cost, Director Navarro said his portion would be \$2500 to \$4000. Director Rast asked some additional questions for clarification prior to answering the question. He said the display monitors would need to be changed out to 4K monitors due to the devices that are being plugged in so they can scale accordingly, discussion ensued regarding placement of possible additional monitors. The other option he presented is to have embedded devices in the table at each Commissioner seat which would serve as the display for the Board and can also be used at the point the county moves to electronic signatures for things such as purchase orders. General consensus is to go with the two monitors that match on each side of the room, one behind the Commissioners and one in front. Director Rast said for all the new equipment it would be \$10,000 to \$20,000. Director Navarro said that due to scheduling they would probably plan for the upgrades to be done sometime between Thanksgiving and Christmas which would allow for the renovation to be considered in the FY2022 budget. Commissioner Van Beek does not think this is a bad ask given that the county is in a good financial position. Per Directors Navarro and Rast the system is approximately 7 years old and things continue to just be "bolted on". Director Rast said that with Board change and requirement changes he doesn't think the cost is out of bounds due to the amount of business that is conducted in the meeting room. Commissioner Smith feels its time, there should be a plan that keeps the Board and the county up with technology and helps the Board do their job in a way that is efficient and effective for people.

Commissioner Van Beek asked if there is something that can be done with the conference phone. Director Rast said there are options available so that it's built-in. Commissioner Van Beek asked Director Navarro about the mobile tables suggesting that perhaps they could be moved to the back of the room and 2 new/additional tables could be built to an 8' length vs. the current 7'. Director Navarro said 8' is a tall order, simply getting it in the door could be challenging; additionally, they would be much more expensive. Commissioner Van Beek said if that is the case she doesn't want to do that.

Commissioner Smith confirmed that everyone has good direction and asked for some real costs so that it can be planned for.

The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS SECURITY MATTERS



The Board met today at 10:01 a.m. to discuss security matters. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Judge Southworth, Judge Bever, Sheriff Kieran Donahue, Prosecutor Bryan Taylor, Deputy P.A. Sam Laugheed, Controller Zach Wagoner, Treasurer Tracie Lloyd, Assistant TCA Benita Miller, ADJ Administrative Supervisor Tara Hill and Deputy Clerk Jenen Ross.

Commissioner Smith said she wanted to have this meeting in order to get some background information and for everyone to get on the same page in moving forward. She knows everyone wants courthouse security and that it's in the best interest of everybody.

Judge Southworth spoke about the service the security staff provides. In addition to providing security they help guide people to the appropriate places and help set up booths on the second floor among other things. Traditionally, under statute, security of the courthouse has fallen to the Sheriff but there have been some differing opinions on the subject of authority of the courthouse. In 1987, an Attorney General opinion on the authority of courthouse security said it falls to the Sheriff, however, the judges do have inherent authority to provide court security. The Idaho legislature, at the behest of the Idaho Supreme Court in 1994, passed a statute giving the Administrative District Judge the authority over courtroom and courthouse security for court purposes. Different states and counties have approached this scenario in multiple different ways. Ada County is working thru this right now, their Sheriff is in the process of taking back courthouse security and working with the ADJ on how that will work. Judge Southworth said he and Sheriff Donahue exchanged emails and ideas on what should and shouldn't be done along with the role of the bailiffs/marshals. He said that the bailiffs/marshals are not law enforcement officers and have no law enforcement authority in the state of Idaho. Their authority is to deal with security in the courthouse, participants, judges, clerks' office and anyone in the courtroom. There is some amount of disagreement but the judge does agree that the Administration Building probably does not fall within general courthouse security. Sheriff Donahue has drafted a memo outlining the areas where he and Judge Southworth agree and disagree (a copy of the memo is on file with this day's minutes). There is a need to have courthouse security; the magistrate judges deal with a lot of high conflict cases where there is a lot of emotion involved. Judge Southworth feels that bailiffs/marshals should be able to escort court patrons to the exterior of the building in order to make them feel safe. The Sheriff has some disagreement with that but it's something the courts feel strongly about. Judge Southworth's understanding is that the Sheriff believes that if they go outside it's more of a law enforcement action they shouldn't engage in. The courts feel this is something they need to provide to their customers to assure them the courts are doing what they can to keep them safe.

Sheriff Donahue said he and the judge spoke extensively last week, he believes the memo speaks for itself. There are many issues that they agree on but there are some that they don't agree on. Within the memo the Sheriff has documented his reasons for disagreement. He said his justification for not agreeing with his honor is not to take anything away from the ADJ or the judiciary it's simply where he stands as the Sheriff and feels where his concerns need to be met by the Board. He agrees that the courtrooms, back hallways, and judges' chambers are certainly well within the authority of bailiffs/marshals. He agrees that if judges are here late or the

magistrate is concerned about their safety or the safety of the jurors then certainly a bailiff/marshal could escort them to their vehicle. He doesn't agree that it extends to the clients or others who are in the courtroom. His opinion is that once a bailiff/marshal leaves the courtroom/hallway they are a shared employee and if something goes wrong and there is some kind of altercation he wonders whose purview are they working under. Both he and the judge agree that they should not be in the Admin Building unless directed by the Board. His recommendation to the Board is not to do this as it places a liability on the county that he doesn't think can be covered. The bailiffs/marshals are not peace officers and if they were to act to detain someone in the admin building or if a fire ensues over an altercation that would be on the county. The Sheriff said he dispatches for the entire county, including Caldwell PD, and at any given time he probably has 20 officers in the building. The courthouse falls under Caldwell's jurisdiction and although the Sheriff's Office would probably be the first line of defense he would expect Caldwell PD to respond if there were an altercation in the parking lot. To him there is a clear delineation of authority and once that's crossed it is the Board of County Commissioners who assume responsibility.

Judge Bever said he's been in Canyon County for almost 15 years and when he started with the courts there wasn't really any meaningful security for the courthouse. There are currently 9 full time magistrate judges (with the potential of 2 more being added), 5 district judges (with the potential of 1 more being added), and on any given day there are 2-6 senior judges who operate their own independent courtrooms. The need for security doesn't end at the courtroom door, there is a need for security beyond the courtroom door. At present there are 6 full time bailiffs/marshals, 5 part time bailiffs/marshals each of whom is a certified law enforcement officer. They have 250 years of combined law enforcement experience and are led by Jim West who has over 30 years of law enforcement experience. As a judge in Canyon County he's very proud of what Mr. West has done with the bailiffs/marshals and the service he's provided to the county. The team does not just provide security to the judges but also to the clerks, secretaries, public defenders, prosecutors, anyone who comes into contact with the court system and is in need of security or at times a friendly face. Mr. West does a really good job of understanding what the job is and what the job is not, he understands what they are supposed to do and what they are not supposed to do and preaches that to his team every day.

Commissioner Smith said she can sense the need for safety outside of the courtroom. She asked if the Sheriff has a solution for that – if there is a highly volatile situation and the bailiffs/marshals can't leave the courtroom, is there a process that can be followed. Sheriff Donahue's solution is to call 911. There are numerous law enforcement officers in the courthouse and participants don't need to leave the hallway for the next case to begin. Sheriff Donahue respects the amount of experience the bailiffs/marshals bring but they are not peace officers today. He explained that law enforcement responds to the courthouse regularly. Commissioner Smith asked about jurors being here late, that is a situation where the Sheriff has no issues with the bailiffs/marshals escorting jurors or judges to their cars, he feels that's appropriate. Although he appreciates that the bailiffs/marshals are willing to escort everyone out there is a point where once action is taken outside of the courthouse and/or into the parking lot who is liable? Whose discretion are they working under? Judge Southworth said it's not always a physical altercation where 911 would be

necessary. Often, it's just a civil dispute and one party is very fearful of a potential situation and just wants someone to be watching if something were to happen and to be able to call 911 if necessary. He feels they would have the right as any citizen for defense of self or defense of others and he feels not being able to provide that leads to a big potential liability with the county. He feels that the courtroom participants need to be taken care of – not just judges and court staff. Sheriff Donahue doesn't discount Judge Southworth's concerns but he'd like to get to that happy medium. He wonders if they intervene, who is going to pick up the responsibility for that – the bailiff/marshal himself, the court, the county? Judge Southworth doesn't feel that 911 can be called because no crime has been committed; Commissioner Smith suggested calling the non-emergency number. Judge Southworth said that could potentially be a solution but noted that there could be days law enforcement is responding 5 or 6 times. Sheriff Donahue said that their number one priority under statute is to keep the peace – that doesn't mean a crime has been committed, they civilly stand by. If they know there is a situation that could potentially become threatening they intervene. He feels that the County needs to find a way to move forward with a limited security program, but that is separate from putting court personnel in a liability situation. Both Sheriff Donahue and Judge Southworth have concerns surround liability from standpoints of protecting the county and personnel and protection of the citizens.

Commissioner Van Beek asked if there is a blend possible. She feels that the person witnessing the situation knows what the level of escalation is going to be. She wonders if perhaps the court patron could be escorted to the door and then there be a waiting area where a law enforcement officer could take over. Judge Southworth thinks the doorway to the courthouse would be a good stopping point, he believes that sometimes just the bailiffs/marshals presence deters some people. Sheriff Donahue said maybe a triage area is where he and the Judge can find some common ground. He did make a point of noting the front door is where it would end for the bailiffs/marshals and anything past that would be at the discretion of law enforcement. In the past, they've seen other court security personnel try to expand their authority and that authority just doesn't exist.

Sheriff Donahue spoke about the 'Run, Hide, Fight' training that has been offered by the bailiffs/marshals. He doesn't feel this is appropriate as he has trainers on staff who can offer this training. Judge Southworth suggested the County engage in training for employees on a yearly basis for its own protection but that it is the Commissioners' decision on how that's done.

In response to a question from Commissioner White, Judge Southworth spoke about statute that guides courts and court facilities. He explained that they recognize that their bailiffs/marshals are not law enforcement authorities. Sheriff Donahue spoke about response when 911 is called. He said that if 911 were to be called from the courthouse building it would go to the dispatch center and dispatcher assigned to Caldwell PD at that time. Although the courthouse falls under Caldwell PD jurisdiction CCSO deputies would start moving in the direction of a disturbance if a call from the courthouse is received. If there is an alarm in a courtroom or judges chambers or bench it is an open announcement to all law enforcement within the vicinity. The difference between the Canyon County Courthouse and other courthouses is that it is a multi-use building so it creates other issues since it is not overseen by just the courts.

Commissioner Van Beek asked to hear from both Judge Southworth and Sheriff Donahue on the pros and cons of deputization. Judge Southworth said that if you cross-deputize the bailiffs/marshals the Sheriff would then have a great deal of say in who is hired and responsibilities, they would then also fall under the shared employees' doctrine which can come with its own set of issues to work thru. Sheriff Donahue agrees there would likely be unintentional issues that arise. Additionally, he is not interested in, nor will he deputize the bailiffs/marshals. Commissioner Van Beek wondered if there is some kind of public announce system that could be put in place, something that broadcasts thru the courthouse or phones. She also spoke about how she has not heard any proposal from the Sheriff's Office in regard to a 'Run, Hide, Fight' training but she is in favor of doing such a training. Her understanding is that the training would not be conducted by the Security Supervisor. She asked if there are plans for a courthouse-wide emergency advisement system in case of an active shooter situation and clarification on who would be leading the 'Run, Hide, Fight' training. Judge Southworth said the training would need to be conducted by someone who is trained and capable of doing it; he doesn't see any problem if the Sheriff wants to provide that training. He thinks it would be a good idea for the training to happen every year and thinks the bailiffs/marshals are important to that training since they are the ones here every day and know the routine of daily court operations. Sheriff Donahue spoke to the notification system saying the best option right now is dialing 911. Additionally, with a public address system you run the risk of causing mass hysteria which you don't want to do. Commissioner Van Beek clarified that her question regarding notification via phone would be something similar to the Amber Alert system that would go to cell phones. Judge Southworth said that all the bailiffs/marshals have radios so information would spread that way and agrees that an intercom system could be very distracting. Sheriff Donahue confirmed that his office and the bailiffs/marshals have access to each other's radio channels so information would be shared thru that. Commissioner White clarified that the discussion regarding the 'Run, Hide, Fight' training took place during Director Navarro's regularly scheduled meeting where Mr. West and Security Supervisor Les Johnson attended. Sheriff Donahue said he understood that but is concerned because law enforcement nor the Judge were in that meeting and feels that his office should have been involved in that discussion as his office is a primary stakeholder.

Judge Southworth said he and Sheriff Donahue have been communicating about most of these items and feel the two of them could come to some agreeable points and get some of the issues resolved without having to involve the Board on every item.

At the request of Commissioner Van Beek, Treasurer Lloyd spoke about the bailiff/marshal being stationed at the front door of the admin building while things were closed down and they provided a good service for them. Going forward she would like to see some kind of security in the admin building. Judge Southworth said with trials starting again and COVID still out there all of the bailiffs/marshals will be working in the courthouse. Further discussion ensued regarding security planning when the administration building was originally built and opened. Sheriff Donahue said security for that building would fall to the Board, not the Judge, and the Board would have to decide what kind of liability exposure they want. Also, if there were to be a more in-depth conversation on that it would need to involve multiple stakeholders.

In response to a question from Commissioner Van Beek, Judge Southworth spoke briefly on use of the title of 'bailiff' vs. 'marshal'. By definition they are the same responsibilities but in different areas of the country they are called by different names. Judge Southworth believes ultimately, it's up to the BOCC what title is assigned. Sheriff Donahue said he's always used the term 'bailiff' as the term 'marshal' is a person who works for the Department of Justice. In his view, a marshal is a person working under the Department of Justice who hunts people down and a bailiff works under the capacity of the court.

Commissioner Smith encouraged Judge Southworth and Sheriff Donahue to continue communicating and update the memorandum as necessary. If formal action is needed she requested that they let the Board know so a meeting can be scheduled.

Commissioner Van Beek asked if the judicial system has a copy of the marshal's section from the Triad report. Judge Southworth said he does not have a copy of any security study. Commissioner Smith said the Board will make sure that section is shared with both Judge Southworth and Sheriff Donahue.

Over the next few weeks Judge Southworth and Sheriff Donahue will continue to discuss and Commissioner Smith suggested coming back together in March to discuss next steps if necessary.

The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

FEBRUARY 2021 TERM  
CALDWELL, IDAHO      FEBRUARY 23, 2021

PRESENT:      Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Sunbelt Controls in the amount of \$1,910.00 for Facilities Department
- SHI in the amount of \$19,472.24 for Information Technology Department

APPROVED CLAIMS ORDER NO. 2111

The Board of Commissioners approved payment of County claims in the amount of \$1,663,942.72 for a County payroll.

#### APPROVED CLAIMS

- The Board has approved claims 571298 to 571314 in the amount of \$109,476.01
- The Board has approved claims 571670 to 571720 in the amount of \$124,326.27
- The Board has approved claims 571721 to 571729 in the amount of \$2,555.00
- The Board has approved claims 571730 to 571756 in the amount of \$32,642.41
- The Board has approved claims 571757 to 571768 in the amount of \$9,170.00

#### CONSIDER AUTHORIZING PAYMENT OF THE INTEREST SETTLEMENT AMOUNT TO BE PAID TO THE CANYON COUNTY TAX COLLECTOR FROM THE COUNTY TORT FUND

The Board met today at 8:47 a.m. to consider the action item of authorizing payment of the interest settlement amount to be paid to the Canyon County Tax Collector from the County tort fund. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Assessor Brian Stender, Controller Zach Wagoner, Deputy P.A. Brad Goodsell, Chief Deputy Assessor Joe Cox, Directors Paul Navarro and Diana Sinner (arrived at 8:53 a.m.) and Deputy Clerk Jenen Ross. Treasurer Lloyd explained that there was a judgment entered into between the Canyon County Assessor and Twin Island which stipulated the adjustment of value resulting in adjustment to the 2018/2019 taxes. The judgement provided for interest payment of \$19,563.17 as of February 4<sup>th</sup> and accruing interest of \$41.01 for any days after the entry of the judgement which is to be credited to the 2020 taxes. Joe Cox explained this was settled before it went to district court and explained how the value was worked out. The settlement amount of \$19,768.22 is the interest on the overpayment of taxes thru February 9<sup>th</sup> which was the date of the judgement. Mr. Goodsell explained that the Board approved the settlement agreement between Twin Island and Canyon County and the Canyon County Assessor, that settlement adjusted the value on essentially three different properties. As a result of those adjustments there was \$124,313.02 in taxes to be refunded, the statute provides that when there is a refund of taxes interest is also paid. The refunded interest amount is going to be a credit to their 2020 taxes it's just a question of where that will come from, from an auditing standpoint. The proposal is to pay that interest from the county tort fund. Mr. Wagoner explained that he feels since the adjustment to the valuation was a county decision that the county tort fund should pay that interest. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize payment of the interest settlement amount to be paid to the Canyon County Tax Collector from the County Tort Fund. The meeting concluded at 8:59 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Facilities Director Paul Navarro, Fair Director Diana Sinner, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Directors Navarro and Sinner left at 9:10 a.m. The action item was considered as follows:

***Consider signing addendum no. 3 for Canyon County IFB Fair Expo Building Construction Project:*** Mr. Wesley and Director Navarro said this addendum will address the significant amount of questions that were received and update the bid form which evolved based on the questions asked. Additionally, several drawings have been amended to address the questions. Bids will be due by 8:59 a.m. on March 2, 2021. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign addendum no. 3 for the Canyon County IFB Fair Expo Building Construction project. A copy of the addendum and supporting documents are on file with this day's minutes.

## EXECUTIVE SESSION – PERSONNEL MATTER

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

Commissioner Van Beek made a motion to go into Executive Session at 9:10 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Commissioners Keri Smith, Pam White, Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Monica Reeves participated in the meeting. The Executive Session concluded at 9:40 a.m. with no decision being called for in open session. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

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

The Board met today at 9:43 a.m. for a monthly meeting with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner reviewed the following items with the Board:

*Fund balance – option to increase:*

- Fair – generate more revenue/reduce expenses
- County – increase tax levy
- Commissioner Van Beek will follow up with Chair Commissioner Smith regarding a meeting to include the Controller to discuss further

*Capital improvements:*

- Plan – past, present and future
- Improvement needs – Expo building construction, Expo building rental, grounds, grounds equipment, livestock and facility

*Operational plan:*

- Comp time – due to the timing of the fair the general comp time policy is not applied. Director Sinner gave a brief review of how she applies the policy to her department.

A copy of Director Sinner's outline is on file with this day's minutes. The meeting concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith (arrived at 1:37 p.m.), Chief Public Defender Aaron Bazzoli, Chief Deputy Public Defender Scott James, Landfill Director David Loper (arrived at 1:51 p.m.) and Deputy Clerk Jenen Ross.

In response to a question from Commissioner Van Beek, Mr. Bazzoli and Mr. James spoke about legislative house bill 192 regarding public defense and the impact it may have on the county and the Public Defender's department.

Mr. Bazzoli gave a brief review of budget line items; witness, interpreter and investigation fees are slightly over budget due to some extenuating circumstances. Other items reviewed included the monthly case type count from October 1, 2020 thru February 23, 2021 and all of FY2020 thru February 23, 2021.

Commissioner Smith notified Mr. Bazzoli that directives are going to be issued about bringing employees back to work. The Board understands that Public Defender's office space is very limited and that social distancing may not be possible but stressed the importance of getting everyone back to the office and getting things back to normal.

Mr. Bazzoli said that all of his attorney positions are filled and there is currently an offer out for the lead investigator position.

The meeting concluded at 2:00 p.m. An audio recording is on file in the Commissioners' Office.



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

The Board met today at 2:03 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Landfill Director David Loper and Deputy Clerk Jenen Ross. Director Loper updated the Board on the following:

- Waste amounts were up 8.05% in January, FY21 is up 7.1%.
- A comment letter was received back from DEQ regarding the site certification/lateral expansion with 4 items that needed to be addressed. One of the items is related to the design so they tried to answer that question as broadly as possible.
- Well drilling at the Stuart property is planned to start towards the end of the month.
- The scale houses are in the process of being remodeled.
- Director Loper will be meeting with landscape architect Rodney Evans on the February 25<sup>th</sup> to talk about ways to improve the entry way at the landfill and the ingress/egress.
- Currently they have one screener position open and an operator position will be opening up soon.
- Landfill staff has been working with Park staff to make changes to the shooting lanes at the gun range. They are about 75% complete in making the lanes narrower and the berms higher. Director Loper feels the improvements have already made the range safer as the lanes should really only accommodate one group and the berms are now above the height of a person.
- In FY20 all of the handheld radios were upgraded and there is one located in every machine and truck. When the radios were upgraded a digital repeater was added to the tower as Director Loper was going to phase in the change from analog to digital, however, the digital is much clearer and he would like to make the change now. The cost to move everything to digital is about \$5000 which he has other line items with saving he could use for this expense. The Board is supportive of moving forward with the digital upgrade.

The meeting concluded at 2:23 p.m. An audio recording is on file in the Commissioners' Office.

## DISCUSSION REGARDING MIDDLETON-STAR SERVICE AREA CAPITAL IMPROVEMENTS PLAN AND TRAFFIC IMPACT FEE PROGRAM

The Board met today at 2:50 p.m. with representatives from the Canyon Highway District regarding the Middleton-Star Service Area capital improvements and traffic impact fees. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson,

Deputy PA Zach Wesley, Tim Richards, Chris Hopper, and Jay Gibbons from Canyon Highway District, and Deputy Clerk Monica Reeves. Chris Hopper reviewed a PowerPoint presentation, a copy of which is included with this day's minute entry. Topics were as follows:

#### **Draft Middleton-Star Service Area capital improvements plan (CIP)**

- Cost Estimate Assumptions
- Impact Fee Eligibility
- Existing Deficiencies
- Year 2040 Deficiencies

#### **Middleton-Star Service Area CIP Projects**

- CIP Project Timeline
- Intersection Projects
- Roadway Projects

#### **Middleton-Star Service Area CIP Project List Summary**

- Projects
  - 30 intersections
  - 16 roadways
- Total Costs = \$90,877,979
- Total impact fee eligible costs - \$72,908,615

Used to calculate impact fee schedule

#### **Draft Middleton-Star Service Area TIF Schedule**

##### **Next Steps**

- Address comments from DIFAC and partner agencies
- Finalize Middleton-Star Service Area CIP
- Finalize Middleton-Star Service Area TIF Program
- Coordinate with Canyon Highway District, City of Star and City of Middleton on ordinance and adoption schedule

Commissioner Smith said there is no funding plan for the state highway and yet that's where all the subdivision and rezone applications are occurring. Mr. Hopper said impact fees are not eligible for use on the state highway system so they cannot plan for them or collect funding for them. He included the local share of the intersection costs. Traffic impact fee eligible costs do not include things like rehabilitating or reconstructing the existing travel lanes, or pedestrian and bicycle improvements, streetlights, or landscaping. They do include roadway widening costs, traffic signals, signage, drainage improvements, right-of-way costs, and design and construction costs. The total estimated cost to reserve the transportation system in this area over the next 20 years is \$91 million, and of that about \$73 million is eligible for reimbursement through an impact fee recovery. The areas they identified as current deficiencies will need to be funded through some mechanism other than transportation impact fees, either through property taxes or highway use taxes. Mr. Hopper reviewed cost calculations, impact fee projections and their development of a

capital improvement plan. The next step is to request formal comment from the County's impact fee advisory committee. Director Nilsson said the committee has had a joint meeting and they received this request on January 11<sup>th</sup> so they will need to schedule a meeting of just the Canyon County representatives. Commissioner Smith asked why we are including that information if we cannot fund state highways. According to Mr. Hopper even though they are an intersection with the state highway there is still percentage of that project cost that can be attributed to the local responsibility so they need to identify them as deficient so they don't include them in the impact fee funded projects. Commissioner Smith wants to hear more on the fees before the County says it's going to approve of it. Mr. Hopper again spoke of how he wants the County's impact fee advisory committee to provide comments on the CIP and the impact fee schedule and then they will finalize the CIP and present that to the land use agencies for adoption and inclusion in the comprehensive plan. From there they will ask the County adopt an impact fee ordinance to fund transportation impact fees to cover the costs of the CIP. Commissioner Smith sees value in another workshop to hear what the advisory committee says so that if we need to make recommendations before it gets more formal Mr. Hopper won't be caught off guard. Director Nilsson said this will be different from fire district impact fees so we'll have to figure out how this will work and what our permit clerks' roles will be to make it smooth. Commissioner Smith said it would be helpful to have the Snake River Valley Building Contractors Association as well as real estate boards involved with this process. The meeting concluded at 4:00 p.m. An audio recording is on file in the Commissioners' Office.

#### FEBRUARY 2021 TERM

CALDWELL, IDAHO FEBRUARY 24, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims 571520 to 571578 in the amount of \$211,617.20

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

The Board met today at 8:31 a.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Development Services Tricia Nilsson, DSD Planner Jennifer Almeida (arrived at 8:54 a.m.) and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Director Nilsson has made the decision to retire this year and the Board was notified earlier this week via email. As per the personnel manual she is giving 2 month notice.
- A list of 29 task items has been provided to the Board. A copy is on file with this day's minutes
- Director Nilsson suggested the hiring of a Planning Director to help with succession planning for the department. Over the next few years it is anticipated that most members of the management team will retire. She has been working with HR to find examples of job descriptions from other entities. It was also suggested that the DSD Director position job description probably needs to be reevaluated. Jennifer Allen is creating a resolution to create a PCN for the Planner I position which will be brought to the Board within the next few weeks. Salary for the position has been determined by Controller Wagoner with help from Director Nilsson. Commissioner Van Beek feels the Board needs to be involved in the setting of salaries.
- The Board was given a brief explanation of how the org chart for the department was done.
- Director Nilsson will work on her suggested budget before she leaves with all pertinent notes added.
- She spoke about the work that is involved with noticing of the hearing and Webex and suggested it may be beneficial to hire a part-time admin position. She has been working with EOM Christine Wendelsdorf and the Facilities department on appropriate set-up of the admin building meeting room in order to conduct P&Z hearings in-person again and/or some kind of hybrid of Webex and in-person. The goal is to start back to in-person hearings by May 15<sup>th</sup>. The Board would like Director Nilsson to look into re-noticing of hearings to indicate they will be conducted in-person and not via Webex. Additionally, Director Nilsson said she is looking to hire a security company to assist with management of the attendees for hearings.
- Further discussion ensued regarding the CAFO request, noticing distance requirements, a fire meeting, a highway district meeting, wine ordinance (Commissioner Smith will forward to Director Nilsson and Kate Dahl) and conditional rezones.

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

PUBLIC HEARING – PRELIMINARY PLAT FOR SOLITUDE CREEK SUBDIVISION, CASE NO. SD2020-0016

The Board met today at 9:10 a.m. to conduct a public hearing to consider a request by Lee Family Trust for approval of a preliminary plat for Solitude Creek Subdivision, Case No. SD2020-0016. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Present via Webex: Craig Lee and Jim Coslett. Today's hearing was continued from February 2 and February 16, 2021. Jennifer Almeida gave the oral staff report. The property consists of 16.55 acres and is located in Middleton impact area. The property is zoned CR-R1 (conditional rezone/single family residential), and is located in an area that is anticipated for residential uses. Keller & Associates has reviewed and recommended the plat be approved subject to conditions. Ms. Almeida reviewed issues related to access, domestic water and sanitary sewer, and irrigation. The P&Z Commission and staff have recommended approval of the preliminary plat. Following her report Ms. Almeida responded to questions from the Board. Director Nilsson offered testimony on behalf of the Development Services Department. Craig Lee testified that his family bought the property mostly for family use; four lots will be for their children and two other lots will be for friends. They are not developers but are learning and adjusting as they go through this process. Mr. Lee agrees with staff's report. 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 Van Beek and the second by Commissioner White, the Board voted unanimously to accept the request by Lee Family Trust for a preliminary plat for Solitude Creek Subdivision, Case No. SD2020-0016 in addition to the findings of fact, conclusions of law and order as presented by staff. The hearing concluded at 9:27 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH PUBLIC INFORMATION OFFICER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 9:31 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Commissioner White explained how she is working with Mr. Decker in order to collect information regarding unfunded pass-thru mandates which she will speak about at a Treasure Valley Partnership meeting tomorrow.
- Commissioner Smith asked Mr. Decker to make sure that the county website is updated to show that all BOCC departments are fully open for business. She attended a Southwest District Health meeting yesterday – the county is currently in the yellow stage but is moving to grey where there are no COVID restrictions.
- The Board is looking for any suggestions on revisions that can be made to the website in order to make it more transparent. It was decided that the contracts and agreements page would be removed as these can be found in the minutes and generally any large project award agreements can be located on the RFP/legal notices page. Additionally, the Board would like to see a timeframe identified for the 'past projects' page and once they hit a certain age they would be removed.

- Commissioner Van Beek spoke about how she would like to create a “What does a Commissioner do?” quick reference. She also noted that when she attended the legislative session recently there was conversation of refinancing of bonds and the money that can be saved by doing so. She said she would reach out to Treasurer Lloyd with the information she learned.
- Mr. Decker will work with Assessor Stender on a press release regarding the additional employees at the DMV.
- A meeting will take place on Monday with the other EOs to talk about the State of the County. Mr. Decker will have something to present at that meeting. Commissioner Smith said she would like to see a “Year in Review” type presentation each February as a wrap up to the previous calendar year. The Board would also like to see more regular postings about county events/happenings/projects.

The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners’ Office.

PUBLIC HEARING – REQUEST BY SHILO HIXON FOR A CONDITIONAL REZONE, CASE NO. RZ2020-0020

The Board met today at 3:01 p.m. to conduct a public hearing in the matter of a request by Shilo Hixon (Watts) for a conditional rezone of approximately 28.96 acres from an “A” (Agricultural) zone to a “CR-RR” (Conditional Rezone/Rural Residential) zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, John Healy, Shilo Hixon, and Deputy Clerk Monica Reeves. TJ Wellard joined via Webex at 3:30 p.m. Jennifer Almeida gave the oral staff report. The applicant is requesting a conditional rezone and a development agreement which will restrict the development of the site to three (3) residential lots, one of which contains an existing residence. The surrounding area is agricultural and residential in nature. There are residential uses clustered along Fern Lane and there are residences north of the subject property along Howe Road. The request will not interfere with surrounding agriculture. There are residential uses clustered in the area. The primary zoning district is agriculture and there are no platted subdivisions within one mile. The Planning and Zoning Commission recommended approval of the conditional rezone and development agreement on January 7, 2021, and staff found the request complies with the criteria for a conditional rezone and is recommending approval. Following her report, Ms. Almeida responded to questions from the Board. John Healy testified in support of the request as Shilo Hixon’s representative. There is frontage on Fern Lane and Arena Valley Road. The ground is nonviable because has no water rights. It has never farmed, it used to be a feedlot many years ago. According to Mr. Healy, Shilo Hixon is planning to sell his current house and the 7-8 acres and build a smaller house for himself and his daughter. Shilo Hixon testified he has lived on the property for 24 years and before that it had never been farmed. He wants to split off the existing house and build another one, and allow his daughter to have three acres in case she wants to use it later on. He responded to questions regarding drainage ditches and the lack of water rights for this property. He mows the weeds because the soil in that area is sandy. Upon the motion by Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to

close public testimony. Commissioner Smith said she understands the property has moderately suited soils and there is no irrigation. The applicant wants to add three home sites, essentially two additional ones, with a rural residential zoning but this is not an area identified in the comprehensive plan for residential growth. She does not believe the request would change the character of the area but the rural residential zone designation would change that area for other properties for continued growth in that area. She cannot say this conditional rezone is more appropriate than the current zoning designation or that rural residential is compatible with surrounding land uses. She cannot support request. We need a different way to consider requests like this that fall outside of a residential zoning designation. Commissioner White supports the applicant's request. The property has not been farmed in the 24 years he's lived there, and much of the surrounding area is big-company agriculture so they have the money to lay pipe from the river to the property. It's for family use and there is no opposition. She agrees with the P&Z Commission and with staff and she supports the request. Commissioner Smith said it's a 29-acre parcel and if it was divided for the rural residential zone into two-acre lots you would have 16 parcels theoretically. There is a way to irrigate the land with a lot of wells and that's a process the Idaho Department of Water Resources has which she finds very frustrating because you cannot get a water right but you can irrigate lawns. It does not protect agriculture. Commissioner Van Beek said there is a noticeable gap on nonviable farm ground splits and the County needs something to facilitate some of these decisions that make sense. She reviewed the rezone criteria and noted there is large-scale diversified farming in the surrounding area. If the ground is to be sold and if we look at the potential to negatively affect the character of the area it would happen one parcel at a time by rezoning with conditions. The proposed zone is not more appropriate than the current designation of farming. Granting an additional rezone is not going to fix the issues that exist with that sandy soil. Commissioner White said it's been like that for 24 years, and there could be restrictions imposed on the property through a development agreement. Additionally, there are not water rights available to the property. Commissioner White made a motion to approve the request by Shilo Hixon (Watts) for conditional rezone, Case No. RZ2020-0020 and to sign the findings of fact, conclusions of law and order, and the development agreement. Commissioner Van Beek said if there was a way to grant this the way we did under a provision that allowed for that nonviable farm ground she is all for this proposal because it makes sense and it's a good use of the ground, but changing the designation for that which could result in a cluster of homes along that area with the potential to divide it. The motion to approve the request failed for lack of a second. Commissioner Van Beek said based on the information contained in the staff report and the findings of facts, and the County's vested interest in identifying Canyon County as an agricultural zone the ramifications of changing a portion of the agricultural designation leads to a denial based simply on the appropriateness and impact to the surrounding area and that would be her motion. She wishes she had a way to approve this, and she agrees with the applicant but we don't have a vehicle like that and we don't have anything to keep further development from coming back through once we re-designate a conditional rezone - rural residential in a widely agricultural zone. Commissioner Van Beek's motion is to deny the request based the findings of fact, conclusions of law and order for Case No. RZ2020-0020. She noted that criteria A, B, C, and D do not support a request for a conditional rezone. Commissioner White said the comprehensive plan is a guide and we, as the Board of Commissioners, do have a vehicle by which to approve this. Commissioner Smith said the zoning ordinance was adopted by the Board with standards of

evaluation for a conditional rezone and so there is case law that each of these findings and we have identified A through H and each of them have to have a positive finding, and if you have a negative finding on just one of them the case should be denied. There are plan goals and policies that support approval, but the map and other goals and policies do not support the request. It could be conditioned in a way it would not make substantial impacts, but at the end of the day we are identifying it as a residential area and it's not. If you wanted to obtain approval in the future one route would be to amend the comprehensive plan map if it was appropriate, the other would be some type of zoning ordinance amendment that would allow consideration of dividing these areas that have not been farmed. There is support from Commissioners to come up with a process that would help Mr. Hixon in the future obtain approval. She said the process would involve working with DSD on an ordinance amendment and coming up with a strategy for that and it would include P&Z meetings and possibly committee meetings. The motion to deny was seconded by Commissioner Smith. Comm White was opposed to the motion to deny. The motion carried by a two-to-one split vote. Director Nilsson said a second hearing will be required and it will have to be re-noticed. The hearing concluded at 3:56 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER ASSESSOR'S REQUEST TO APPROVE FOUR (4) NEW DMV POSITIONS AND TWO (2) TEMPORARY POSITIONS FUNDED FROM PROPERTY TAX BUDGET THROUGH THE END OF FY21

The Board met today at 4:03 p.m. to consider the Assessor's request to approve four (4) new positions and two (2) temporary positions in the Assessor's Office – Motor Vehicle Department to be funded from the property tax budget through the end of FY2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor, DMV Supervisor Kimbra Asqueta, HR Generalist Demi Etheridge, Chief Civil Deputy PA Sam Laugheed, Controller Zach Wagoner, Clerk Chris Yamamoto, and Deputy Clerk Monica Reeves. The Assessor is requesting four (4) new employee positions to be paid from property tax revenue, and at budget season he will see where we're at and look at an overall administrative fee adjustment at that point. The short-term solution is he needs more people to push transactions through the system. Even if the state helps reduce the simple transactions he still needs more people to help with the frontend transactions they're currently processing. The two temporary positions are handled outside of the PCN process and do not require a formal PCN. He expects the starting wage for the fulltime positions to be in the \$28,000-\$29,000 range, plus benefits. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve four (4) new DMV positions and two temporary positions funded from the property tax budget through the end of FY2021 as presented by the Assessor's Office. (Resolution No. 21-022.) The meeting concluded at 4:08 p.m. An audio recording is on file in the Commissioners' Office.



FEBRUARY 2021 TERM  
CALDWELL, IDAHO FEBRUARY 25, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman – Out  
Commissioner Pam White  
Deputy Clerk Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Beth Claudio, Part Time Housekeeper

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- McKesson in the amount of \$7,086.35 for Canyon County Sheriff

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:46 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Keri Smith, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, Deputy Clerk Monica Reeves and Sr. Admin. Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021- 563 and 2021-473.

Liens were presented for signatures.

Director Yvonne Baker presented a subordination agreement for case 2014-485. A letter provided by the applicant was read on the record by Director Yvonne baker. Discussion ensued regarding the applicant's request for subordination of his lien.

Upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to grant the subordination with the stipulation that the applicant pay \$17,000 towards their medical indigency debt.

The meeting concluded at 9:01 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 Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley, Chief Deputy Sheriff Marv Dashiell (left at 9:07 a.m.) and Deputy Clerk Jenen Ross.

***Consider signing a resolution approving award of badge and duty weapon to Deputy Thomas Tippetts:***

Mr. Porter said Deputy Tippetts has been with the county for 17 years and meets the requirements for awarding of badge and duty weapon. Chief Dashiell gave a brief review of Deputy Tippetts career with Canyon County. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution approving award of badge and duty weapon to Deputy Thomas Tippetts (see resolution no. 21-023).

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

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

Commissioner White made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Meeting participants were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Mike Porter and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:49 a.m. with no decision being called for in open session.

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

MEETING TO CONTINUE THE PUBLIC HEARING TO CONSIDER REQUEST BY DUANE & LORA DARBIN FOR APPROVAL OF A PRELIMINARY PLAT AND FINAL PLAT FOR TRAIL'S END SUBDIVISION; CASE NO. SD2020-0034

Due to lack of quorum Commissioner Smith went on the record at 10:02 a.m. to continue the public hearing to consider a request by Duane & Lora Darbin for approval of a preliminary plat and final plat for Trail's End Subdivision, case no. SD2020-0034. DSD Planner Jennifer Almeida, DSD Planner Tricia Nilsson and Deputy Clerk Jenen Ross were also in attendance. Ms. Almeida explained that the applicant is still working to obtain necessary signatures on the final plat along with a few other items on their checklist. This hearing will be continued to March 26, 2021 at 9:00 a.m. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

## ELECTED OFFICIALS MEETING TO DISCUSS COVID-19 UPDATES

The Board met today at 1:30 p.m. for an Elected Officials meeting to discuss COVID-19 updates. Present were: Commissioner Pam White, Sheriff Kieran Donahue, PIO Joe Decker, EOM Christine Wendelsdorf, Chief Deputy P.A. Sam Laugheed, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Clerk Chris Yamamoto and Deputy Clerk Jenen Ross. Commissioner Keri Smith, Coroner Jennifer Crawford, Eugene Smith with SWDH (left at 2:00 p.m.) and Steve Blados with CCAD participated via teleconference.

Eugene Smith said that next week SWDH and other providing partners will participate in a training with the state which is developing a state coordinated notification and waiting list for vaccinations. Scheduling of the vaccine and trying to make sure that people can get appointment has been quite complex across the whole state and certainly across the district. The training takes place next week and they anticipate the waitlist starting the following Monday. SWDH has seen a slight increase in vaccines, they had averaged about 3500 a week since starting in mid-December but they have slowly increased to approximately 5000 doses a week across the district. If all the providing partners were operating at full capacity the district could provide approximately 25,000 doses per week. In order to try maintaining everyone's need and an equitable distribution of the vaccine across the district the planning process is constantly trying to move to the next subgroup. It is their intent to always be about 4 to 6 weeks out on time to estimate planning and ensure that when they reach any certain group or subgroup that they are able to provide legitimate information as to when they can get the vaccine. Currently they are 3-4 weeks out on the 65+ population and have initiated the next sub-group, which is sub-group 2.3. Data entry is an issue probably across the whole state but definitely within the health district. It is really hard to ensure that the numbers that are being reported are accurate and relate to the numbers of the vaccine and the doses that are being presented. SWDH is trying to assign more personnel to that process and create a new objective as they prepare to look at the next 30 days, to have all data connected to a vaccine inputted in to the system on the same day in order to have the most accurate information. Mr. Smith addressed a couple of rumors, the first being that if you missed the timeline for your second dose you get put to the back or you may not receive it at all, that is not accurate. They are trying to ensure that everybody gets both doses inside of a six-week window. He explained that the 5000 doses mentioned earlier includes the second doses which makes it all a bit of juggling act to maneuver thru all the specific requests and to make it equitable. The second rumor is in regard to a statement made by the state that the health districts need to start ensuring residency of people receiving the vaccine. It has not been a process that was followed up to this point, it is believed that most of the vaccines in SWDH are going to residents of the district or personnel who are employed within the district. There were some exceptions, that will no longer occur, SWDH has initiated a change based on the Governor's direction and when someone calls to make an appointment there will be a question included asking the county of residence and/or employment. Sheriff Donahue asked about the rumor he's heard about Canyon County not being able to hold any more clinics. Mr. Smith said if they can get to the 20-25K doses per week, the intent is to ensure the providing partners receive a portion of those doses and then add to that the capability

of large clinics. For example, once we're into sub-group 2.3, which includes a lot of the large employers in the area, if they prefer to have a closed clinic within their facility that is the intent. SWDH currently has 3 strike teams that are available to go anywhere across the district to work with organizations to establish their own clinics. The only hang up to having clinics is having doses available so what they've been telling people is that if they want to go that route the sooner they let SWDH know the better. There is no intent to not have additional clinics, it's simply a matter of the number of doses available to the district. Sheriff Donahue asked for clarification as to what happens with people who participated in the first couple of clinics that are now in need of their second dose. Mr. Smith said that his understanding is that the number that participants in the clinics that have already happened have been accounted for and should have no problem receiving their second dose. Ms. Wendelsdorf said she turned in a number of 341 people who need their second dose but has run into an issue where 7 people were told they needed to contact the health district because they were the people who received the "extra" doses and told they would have to be put on a waiting list because the Moderna vaccine hasn't been available in over a month. Mr. Smith said that if people want a specific vaccine then they may be put into a longer waiting period because the health district doesn't know what vaccines are coming in. In January they received almost all Moderna but in February they've received almost all Pfizer. He did note that Moderna and Pfizer are interchangeable for 1<sup>st</sup> and 2<sup>nd</sup> doses. If a person has a specific reason for wanting one or the other they may need to be added to a waitlist until their request can be fulfilled. Sheriff Donahue expressed his frustration that the Moderna vaccine was given to county employees at a large clinic and now those employees may not be able to receive the same vaccine as they were originally told. There may be some consternation amongst some people and concern surrounding first responders receiving the vaccine as it's limited in the time they are able to schedule. Prosecutor Taylor suggested information from SWDH explaining the potential change in vaccine may be beneficial so that everyone has an understanding. Mr. Smith said they can put something together to pass along the information. Additionally, he said there has been a request to set aside the Moderna vaccine for the participants of the earlier clinic but they won't know until next week which vaccine the health district will be receiving.

Ms. Wendelsdorf reported that PPE has been moved from the O'Connor Fieldhouse to a temporary access in the jail. Sheriff Donahue explained that the PPE was moved yesterday to the jail annex but that it was cumbersome getting it down there and it will be cumbersome to get back out. He hopes that the county will continue to either look for or build a warehouse facility for storage of PPE and to be an asset to the county. In response to a question from Commissioner White, Ms. Wendelsdorf said they are running low on gloves as they are still hard to obtain, however, they are still okay on masks and other supplies. She anticipates the stock diminishing considerably once courts start again. Sheriff Donahue reiterated that they county has purchased a truck, a trailer and a forklift in order to move the PPE from a warehouse type facility and strongly encouraged the Board to continue looking at storage space and that getting the PPE from the jail annex and to the area agencies the county supports is going to be an arduous task. He indicated there is money available for a facility that would not come from local tax dollars. He feels this pandemic is far from over and we don't know what will happen in the future. Commissioner Smith said that at the last Board of Health meeting half the counties in District III have moved to gray and the other half, including Canyon County, are in yellow. The trend they're seeing is that Canyon

County will be moving into gray shortly and she would like to see an exit strategy from the pandemic. She feels faith needs to be instilled in the community that the county is moving on, she feels we're doing well and everyone needs to come up with a strategy to move on. Sheriff Donahue said the county [the government entity] doing incredibly well because there have been a lot of protocols and safeguards put into place. Especially where the jail is concerned he said there are things that need to be acquired under the CARES Act that are instrumental in keeping COVID from infecting the jail population. If there is consideration being given to dropping the emergency declaration he wants to be assured that there are still financial resources available to address county government needs. He pointed out that courts are opening next week and no one knows what will happen with jury pools coming in. We are not completely out this and he does not want to let his guard down at this point. Commissioner Smith said the Board would want to know what that looks like in regard to long-term health. In response to a question from Sheriff Donahue, Clerk Yamamoto confirmed there are limited COVID funds available. He also noted that this next round with the new administration could be substantial but isn't sure if the county needs to be in a state of emergency to receive that funding although it would be his guess that it probably would need to be. Clerk Yamamoto believes it could be a direct payment of \$45M to the county, the payment would not come thru the state. Mr. Laughed made everyone aware that the current declaration is set to expire next week and suggested there be a meeting earlier in the week between the Board and other stakeholders in order to have additional discussion prior to the expiration of the current declaration. He also noted for the record that the difference between the legal effect of the emergency declaration and the rhetorical effect of them is something that has been talked about as a county quite a bit, there is a significant difference between them. What needs to be done to maintain potential eligibility for funding and how the health circumstances are described could be two different things. It's possible to achieve all those things at the same time – maintain eligibility even while things continue to improve.

Clerk Yamamoto said the court clerks are ready for courts to open. He spoke about an add-on feature to Odyssey that they have concerns about becoming an issue.

Prosecutor Taylor said that they've had a working group consisting of prosecutors, courts and public defenders and anticipate trials to start March 15<sup>th</sup> with two magistrate trials and one district court trial every week on a rotational basis. The magistrate trials will be scheduled for Mondays and Thursday and felony trials will start on Tuesday. Canyon County is far ahead of other counties and judicial districts in the state of Idaho.

Commissioner Smith said that at the Board of Health meeting there was a presentation noting the 14 factors taken into consideration when determining the risk level. Two of those factors include input from elected officials and schools. Prosecutor Taylor also feels it's helpful to start conveying to constituents that the county is moving forward but that any necessary procedures and protocols will be kept in place.

Assessor Stender said that ITD has offered to the counties to assist with titles that have been stacking up. He is working with the legal staff on an MOU. ITD has also offered to take over the internet and mail-in renewals.

Sheriff Donahue said quirks within the queuing system are continuing to be worked out. They are currently at 20-30% of appointments. Assessor Stender said the queuing system on the vehicle registration side crashed yesterday so that is delaying the rollout of appointments for them. Clerk Yamamoto said at this point the chairman of the ITD Board has a much better picture of what is happening. Until recently he had a single source of information, that being ITD. Clerk Yamamoto indicated he recently met with the Director, Deputy Director and the chairman of ITD and he feels that with his relationship with the Deputy Director and the chairman things will start getting better at DMV.

Commissioner Smith spoke briefly about the State of the County presentation the Board would like to put together. She would like to highlight how well Canyon County handled COVID.

Prosecutor Taylor suggested with the county moving further and further away from the red category that this meeting may need to happen less frequently. Clerk Yamamoto said that at this point unless there is something that comes up he will no longer be attending. Sheriff Donahue suggested just scheduling them on as-needed basis which was agreed upon by all the elected officials.

Clerk Yamamoto moved to close the meeting.

The meeting concluded at 2:31 p.m. An audio recording is on file in the Commissioners' Office.

FEbruary 2021 TERM  
CALDWELL, IDAHO FEBRUARY 26, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claim 571906 in the amount of \$64.50
- The Board has approved claim 571970 in the amount of \$552.05
- The Board has approved claims 571873 to 571905 in the amount of \$30,400.39
- The Board has approved claims 571769 to 571821 in the amount of \$55,966.49

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Janie Moore, Interpretive Specialist
- The Board approved an employee status change form for Katie Dufurrena, Interpretive Specialist

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- HP INC. in the amount of \$4750.00 for Information Technology
- White Cloud Communications/Auto Phone in the amount of \$1779.00 for Solid Waste

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Fuerte LLC DBA Goodwood Barbecue Company to be used 3/14/21 for Favillo Wedding and 3/26/20 for Daniel Wedding

#### APPROVED DECEMBER 2020 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of December 2020 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

#### CONTINUE PUBLIC HEARING – APPEAL BY JOHN CARPENTER OF THE CANYON COUNTY DSD DIRECTOR’S DECISION, CASE NO. AD2020-0029APL

Public Hearing: Consider the appeal by John Carpenter of the Canyon County DSD Director’s decision regarding the April 17, 2020 conditioned approval for a home business conducting yoga studio sessions, Case No. AD2020-0029APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Julianne Shaw, and Deputy Clerk Monica Reeves. Ms. Shaw advised that the applicants are working out details of their agreements and they have requested the hearing be continued to a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue this hearing to March 12, 2021 at 9:00 a.m. An audio recording is on file in the Commissioners’ Office.

CONSIDER DEVELOPMENT AGREEMENT AND ORDINANCE FOR THE SATTERWHITE CONDITIONAL REZONE, CASE NO. CR2020-0010

The Board met today at 10:45 a.m. to consider the development agreement and ordinance associated with the approval of the conditional rezone case for Mark and Tammy Satterwhite, Case No. CR2020-0010. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. This case was originally heard on January 13, 2021 and staff was directed to prepare conditions of approval as outlined in the Board's deliberation. The findings of fact, conclusions of law and order were approved on January 27, 2021. Dan Lister said the ordinance and development agreement were not signed on January 27<sup>th</sup> because the applicant wasn't available to sign the agreement; however, the development agreement has now been signed and notarized and is ready for the Board's signature. Commissioner Smith said the development agreement appears to match what was approved, but the one thing she wants to hold on is the direction to amend the zoning map because she wants a legal interpretation on a part of the code that talks about meeting conditions for the conditional rezone prior to decisions. An Executive Session was held as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 10:47 a.m. pursuant to Idaho Code, Section 74-206(1) (d) to discuss records that are 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 Smith, Van Beek, and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Executive Session concluded at 11:03 a.m.

While in open session Commissioner Smith said there was conversation about an ordinance interpretation and the Board is now ready to make a decision. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the ordinance directing amendments to the Canyon County Zoning Map in the Satterwhite rezone case, Case No. CR2020-0010 (No. 21-007) and to sign the development agreement (No. 21-007) as presented. The meeting concluded at 11:04 a.m. An audio recording of the open portion of this meeting is on file in the Commissioners' Office.



PUBLIC HEARING – CONSIDER SHORT PLAT FOR GOFF SUBDIVISION, CASE NO. SD2020-0028

The Board met today at 11:08 a.m. to consider the short plat for Goff Subdivision, Case No. SD2020-0028. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Brad Goff, Roger and Donna Goff, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she testified in favor of the Goff's land use hearing but she has no financial interest in the property or any future decisions. Dan Lister said the Goff Subdivision is a three-lot subdivision, with an average lot size of 6.25 acres. The property was rezoned to a rural residential zone in 2019. It has property frontage along Lincoln Road and Marble Front Road, and individual wells and septic systems will be provided on each lot. The property has irrigation rights and gravity irrigation will be supplied to each lot. Runoff will be maintained by each homeowner. This matter came before the Board on January 12, 2021 and was tabled to allow a waiver through County code 09-01-19, section 6 – city agreement with the county that allows for waivers. If the City of Caldwell does not waive it they can do a process to waive the frontage requirements. This was heard by the P&Z Commission on February 4, 2021 and they recommended approval of the plat with the waiver of city frontage improvements. Included today is a waiver of the frontage improvements the city is requiring. Staff is recommending approval of the application, subject to conditions. The Goffs have met most of the conditions. If approved today, they would need to go to the City of Caldwell with the findings of fact, conclusions of law, and order approving the waivers and they would sign their portion of the plat and then come before the Board for final plat approval. Staff and the County surveyor find that the plat meets all the standards for review. 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 request by Roger and Donna Goff for a short plat approval for Goff Subdivision, Case No. SD2020-0028 and to approve the findings of fact, conclusions of law and order. The hearing concluded at 11:15 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 1:03 p.m. with county attorneys for a legal staff update. Mr. Laugheed noted for the record that at the end of the legal staff yesterday there was general consensus to reconvene today for continued discussion. A request was made to enter into executive session as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 1:03 p.m. pursuant to Idaho Code, Section 74-206(1) (b) 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 by Deputy Clerk Jenen Ross with Commissioners Van Beek, White

and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. The following participated in the meeting: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley. Deputy Clerk Jenen Ross joined the meeting from approximately 2:40 p.m. to 2:50 p.m. The Executive Session concluded at 3:09 p.m. with no decision being called for in open session.

THE MINUTES OF THE FISCAL TERM OF FEBRUARY 2021 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Commissioner Leslie Van Beek

\_\_\_\_\_  
Commissioner Keri K. Smith

\_\_\_\_\_  
Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: \_\_\_\_\_, Deputy Clerk