

BOISE COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 21ST, 2009
BOISE COUNTY COMMISSIONER'S ROOM
OFFICIAL MEETING MINUTES

Chairperson Linda W Zimmer called the meeting to order at 9:00 A.M. The Pledge of Allegiance was recited.

PRESENT: Chairperson Linda W Zimmer, Commissioners Terry C Day and Jamie A Anderson and Clerk Constance Swearingen

OTHERS PRESENT: Assessor Brent Adamson, Treasurer April Hutchings, Deputy Prosecutor's Cherese McLain and Eric Scott and Chief Deputy Clerk Dee Woodstrom

COMMISSIONER DISCUSSION: Commissioner Terry C Day stated he would like to have an executive session prior to the Prosecuting Attorney's time today to discuss possible litigation with Prosecutor Twilegar. Commissioner Terry C Day made a MOTION to go into executive session per I.C. 67-2345(1)(f), pending litigation to discuss matters of the litigation with the Prosecutor. Chairperson Linda W Zimmer SECONDED. Roll Call Vote: Commissioner Terry C Day – Aye; Chairperson Linda W Zimmer – Aye; Commissioner Jamie Anderson - Aye. Motion carried. Chairperson Linda W Zimmer made a motion to come out of executive session. Commissioner Terry C Day SECONDED. All ayes, motion carried.

AMENDMENTS TO THE AGENDA: Commissioner Terry C Day made a MOTION to have the Community Justice Juvenile Probation Officer information discussed during executive session per I.C. 67-2345(1)(b), Personnel. Commissioner Jamie Anderson SECONDED. Roll Call Vote: Commissioner Terry C Day – Aye; Chairperson Linda W Zimmer – Aye; Commissioner Jamie Anderson - Aye. Motion carried.

Chairperson Linda W Zimmer made a MOTION to move the commissioner discussion part of the agenda to a later time today. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

MINUTES: None.

TREASURER/ASSESSOR ISSUES: None.

COMMITTEE REPORTS: Commissioner Terry C Day stated he had attended the Boise County employee Christmas party at the Idaho City Miner's Exchange building. He also stated he had attended the Central District Health meeting where they discussed immunization stats and the possibility that Idaho City would be hosting the upcoming district meeting.

Chairperson Linda W Zimmer stated she had attended a Boise County employee Christmas party in Horseshoe Bend.

ISSUE TRACKING: The Board discussed the following:

- Placerville Ambulance building issue. Commissioner Jamie Anderson stated that the contract had been signed by J-U-B Engineering.
- Updating of the personnel policy.

- Gas tax issue removed from the issue tracking report since EBCA does not want to pursue this.
- Commissioner Jamie Anderson stated that the employee survey issue should be added to issue tracking.
- Energy Efficiency Grant added to the report, Commissioner Jamie Anderson submitted both federal and state grants; they were received and accepted.
- Subdivision ordinance – update needed. The Board discussed the second draft of the building code ordinance and affidavit. They stated they would discuss this further during the December 28th meeting.

CONTRACTS/AGREEMENTS/GRANTS: Clerk Swearingen presented the County Vessel Fund form concerning funding from Idaho Parks & Recreation. Commissioner Jamie Anderson made a MOTION to certify the County Vessel Fund reporting and remittance form and to accept and adopt the retention of funds form. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

DEMAND WARRANTS: Clerk Swearingen presented demand warrants to pay West Central Highlands (\$9,780.17), Brassey, Wetherell, Crawford LLP (\$58,962.21) and Computer Arts (\$6,471.28).

Commissioner Jamie Anderson made a MOTION to approve the demand warrants for Brassey, Wetherell, Crawford LLP (\$58,962.21) and Computer Arts (\$6,471.28). Commissioner Terry C Day SECONDED. All ayes, motion carried.

Commissioner Jamie Anderson made a MOTION to approve the demand warrant to West Central Highlands (\$9,780.17). Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

INDIGENT - EXECUTIVE SESSION per I.C. 67-2345(1) (d): Deputy Clerk Kristin Vedros presented case information to the Board.

Chairperson Linda W Zimmer made a MOTION to go into executive session to make a decision on case 09-11-A and to sign the Catastrophic Healthcare percentage documents on cases 08-10-E and 08-10-A. Commissioner Terry C Day SECONDED. Roll Call Vote: Commissioner Terry C Day – Aye; Chairperson Linda W Zimmer – Aye; Commissioner Jamie Anderson - Aye. Motion carried.

Chairperson Linda W Zimmer made a MOTION to deny case 09-11-A and to sign the Catastrophic Healthcare percentage documents on cases 08-10-E and 08-10-A. Commissioner Terry C Day SECONDED. All ayes, motion carried.

PA ISSUES: Deputy Prosecutor Cherese McLain spoke about the Gardena surplus land letter that she had drafted requesting the Idaho State Land Board to reconsider their decision. She stated that she would be sending it out.

EXECUTIVE SESSION per I.C. 67-2345(1)(b): Personnel – Commissioner Terry C Day made a MOTION to go into executive session per I.C. 67-2345(1)(b) to discuss the employment status of the Community Justice Juvenile Probation Officer. Chairperson Linda W Zimmer SECONDED. Roll Call Vote: Commissioner Terry C Day – Aye; Chairperson Linda W Zimmer – Aye; Commissioner Jamie Anderson - Aye. Motion carried.

Chairperson Linda W Zimmer made a MOTION to give Kevin Burke 160 hours vacation, 352 hours sick leave and 300 hours of compensation time and to change his employment status from exempt to non-exempt. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Prosecutor RJ Twilegar was in attendance but had no issues to discuss.

Commissioner Terry C Day made a MOTION to retain Prosecutor Twilegar's salary at \$25,000 as set for FY2010 and not to pay legal fees for his attorney. Commissioner Jamie Anderson expounded on the MOTION to add, "he has not been providing legal advise by his own admission, not working until the Prosecuting Attorney's salary issue is resolved, has shifted his work to his two deputies, continues to not work for the citizens other than a series of legal threats against the Commissioners, he has brought us into multiple lawsuits putting the County at risk even when a decision was issued from the special prosecutor definitively acknowledging there was no probable cause for bringing the lawsuits, continues to give bad advice by asking the Commissioners to join him in asking the Court to extend the special prosecutor, is giving us questionable legal advise, he is wasting our time and taxpayer dollars, and I see nothing that warrants an increase in salary at this point nor is there any legal precedence to pay attorney fees for Mr. Twilegar during the investigation." Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

EXECUTIVE SESSION per I.C. 67-2345(1)(f): Pending Litigation - Chairperson Linda W Zimmer made a MOTION to go into executive session per I.C. 67-2345(1)(f), pending litigation to call Attorney Brassey concerning Alamar Ranch. Commissioner Terry C Day SECONDED. Roll Call Vote: Commissioner Terry C Day – Aye; Chairperson Linda W Zimmer – Aye; Commissioner Jamie Anderson - Aye. Motion carried.

COMMUNITY JUSTICE: Juvenile Probation Officer Kevin Burke gave the monthly juvenile probation report and answered questions from the Board.

NOXIOUS WEEDS: Assistant Paul Rekow presented the Upper Payette CWMA 2010 application and the Boise Basin CWMA application to the Board. Commissioner Terry C Day made a MOTION to sign the applications for the 2010 Upper Payette CWMA and Boise Basin CWMAs. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

EMERGENCY MANAGEMENT: Emergency Management Coordinator Gordon Ravenscroft did not present the Central District Health Allotment VIII Grant. He stated that he would present it the following week.

CONSTITUENT INPUT: Jayne Reed, Garden Valley, spoke about the Garden Valley School bond in regards to the woody biomass co-gen plant and stated that the bonds had not sold so they had secured a grant.

MASS GATHERING APPLICATION REVIEW: The Board reviewed the Esthetic Evolution mass gathering application. The Board stated they need an agreement from the Sheriff's Department and that they need to have a licensed Emergency Medical Technician on site.

RENEWABLE ENERGY GRANT: Trevor Howard presented the REEZ (Renewable Energy Efficiency Zone) grant and stated that the Department of Energy had given the County \$140,000. He stated that he had applied for \$176,000. Mr. Howard stated that the proposed work plan needed to be submitted to the Department of Energy by January 8th.

MISCELLANEOUS & CORRESPONDENCE:

- Commissioner Jamie Anderson spoke about the Federal Highway Project.
- Commissioner Anderson spoke about the many trucks coming from the Quartzburg Mine on the Centerville Road. Rora Canody, Planning & Zoning Administrative Assistant, stated that the Quartzburg Mine would be submitting a Conditional Use Permit application this week.

- Clerk Swearingen spoke about Representative Walt Minnick coming to the Horseshoe Bend Senior Center.
- Two employee payroll change request forms were presented. Commissioner Terry C Day made a MOTION to approve the requests for the Idaho City Snowgroomers and the Auditor's departments. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.
- A thank you letter was sent to Ernie Simmons from the Atlanta Gold Mine.
- Idaho City Ranger District Applejack Project letter – Commissioner Jamie Anderson stated that she would respond to the letter.
- Resolution 2010-15 Routing & Approval of Contracts and Grants – The Board directed Clerk Swearingen to send the resolution out to the department heads and elected officials for final review.
- Gardena surplus land – will be discussed at a later date.
- The Board gave an update on the Commissioner meeting held in Horseshoe Bend on December 14th.

EMPLOYEE SURVEY RESULTS FOLLOW UP: The Board discussed the results from the survey. Commissioner Jamie Anderson stated that she would like to create an employee committee to also review the survey and make suggestions for improvements or changes within the County.

FUTURE AGENDA TOPICS REVIEW: The Board stated that they would like to discuss the inventory ordinance.

Having no further business, Chairperson Linda W Zimmer adjourned the meeting until 9:00 AM, December 28TH, 2009.

Approved this 19th day of January, 2010.

TERRY C. DAY, Chairman
Boise County Board of Commissioners

Attest:

Constance Swearingen, Clerk to the Board