

BOISE COUNTY BOARD OF COMMISSIONERS  
MONDAY, DECEMBER 7TH, 2009  
BOISE COUNTY COMMISSIONER'S ROOM  
**OFFICIAL MEETING MINUTES**

Chairperson Linda W Zimmer called the meeting to order at 8:00 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 and Deputy Clerk Dee Woodstrom

**DEPARTMENT HEAD/ELECTED OFFICIALS MEETING:** Those present were Brent Adamson, April Hutchings, Gordon Ravenscroft, Mike Bottoms, Marilyn Newman, Ben Roeber, Chuck Morgan, Bill Jones and Pam Garlock.

The group discussed Resolution 2010-15 Routing and Approval of Contracts & Grants. The Board instructed the Clerk to remove the second part of 1A, delete the word "grant" from section 1 and redistribute to all EOs/DHs for final review.

The group reviewed the draft personnel policy. Issues of concern were personal time off (PTO) replacing vacation and sick leave and the maximum hour limit on comp time.

The group also discussed bereavement leave time. Although the draft policy limits bereavement time to three days, the Board requested that the new policy reflect the current policy of five days.

Other topics discussed were employees running for elected office and the effect to the individual offices, holiday pay, disciplinary procedures, donated leave and County employees working second jobs.

Commissioner Jamie Anderson distributed the results of the employee survey.

**PUBLIC HEARING – INITIATIVE & REFERENDUM ORDINANCE:** Chairperson Linda W Zimmer made a MOTION to go into the public hearing. Commissioner Terry C Day SECONDED. All ayes, motion carried.

Deputy Prosecutor Chereese McLain gave an overview of the ordinance and stated that it was just a housekeeping procedure since Idaho State law already provides the public the right to direct legislation.

Chairperson Linda W Zimmer made a MOTION to come out of the public hearing. Commissioner Terry C Day SECONDED. Commissioner Jamie Anderson was absent. Motion carried.

Chairperson Linda W Zimmer made a MOTION to approve Ordinance 2010-01 Initiative & Referendum Ordinance. Commissioner Terry C Day SECONDED. Commissioner Jamie Anderson was absent. Motion carried.

Commissioner Jamie Anderson rejoined the meeting at this time.

**COMMISSIONER DISCUSSION:** Chairperson Linda W Zimmer stated she had received a letter from Special Prosecutor Dan Norris which stated that the case he had been investigating had been dismissed for lack of probable cause.

Commissioner Terry C Day stated he had met with Prosecuting Attorney RJ Twilegar last week regarding possible litigation and stated that the Prosecutor's issues concerning salary, legal fees and public notice needed to be addressed.

Commissioner Terry C Day stated that Central District Health had requested Boise County to host the annual budget meeting on May 21<sup>st</sup>, 2010. Commissioner Day stated that they could use the Public Safety Building in Idaho City or a senior center in Idaho City, Horseshoe Bend or Garden Valley.

Chairperson Linda W Zimmer stated that John Crocket would be on the December 21<sup>st</sup> agenda to discuss the Renewable Energy grant which had been awarded.

Clerk Swearingen stated that she would prepare the resolution to sell the surplus Mores Creek ambulance to the Boise County Firefighters Association for next week.

**AMENDMENTS TO THE AGENDA:** Commissioner Jamie Anderson made a MOTION to discuss an amendment to the Subdivision ordinance during the 1:30 PM time slot concerning automatic extensions on land use applications. Commissioner Terry C Day SECONDED. All ayes, motion carried.

Clerk Swearingen notified the Board that the Commissioner meeting agendas were not being published in the Idaho World and requested some time to discuss the issue. Chairperson Linda W Zimmer made a MOTION to approve amending the agenda during Miscellaneous & Correspondence to discuss the issue. Commissioner Terry C Day SECONDED. All ayes, motion carried.

**TREASURER/AUDITOR JOINT QUARTERLY REPORT (4<sup>TH</sup>):** Treasurer April Hutchings presented the 4<sup>th</sup> Joint Quarterly Report to the Board. Commissioner Terry C Day made a MOTION to accept the Report. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**MINUTES:** Clerk Swearingen presented the meeting minutes for November 9<sup>th</sup>, 2009. Commissioner Terry C Day made a MOTION to approve the November 9<sup>th</sup> minutes. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**TREASURER/ASSESSOR ISSUES:** Assessor Brent Adamson presented a request for tax cancellation. Commissioner Terry C Day made a MOTION to approve the tax cancellation. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

**COMMITTEE REPORTS:** Commissioner Terry C Day spoke about his concern for the two snow-groomers' budgets since registrations, and therefore funding, are down. Commissioner Jamie Anderson stated that the County should have their own regulations so offenders could be fined under County law rather than state. Deputy Prosecutor Cheresse McLain stated that she had attended a meeting at the Sheriff's office where they had talked about this subject.

Commissioner Terry C Day stated he had not attended the SAGE meeting but did have information from the meeting to share with the Board.

Chairperson Linda W Zimmer stated she had received a letter from Southwestern Idaho on Aging.

Commissioner Jamie Anderson stated she had attended the Transportation Focus meeting and the Payette River Scenic Byway meeting.

Commissioner Anderson stated that on the upcoming Crouch City Council meeting agenda that their area of impact was listed and that there had been reference to a joint meeting (Crouch Council/Boise County Commissioners) on the subject. Commissioner Anderson asked the other two members if they wanted her to set up a joint meeting at the next Commissioners' meeting in Garden Valley; they replied concurrence. Commissioner Anderson also stated that they had expanded their area of impact to include seventeen (17) parcels around their original ½ mile impact area. Jayne Reed, Garden Valley resident, stated that the public was not in agreement with the expansion. Deputy Prosecutor Cherese McLain said that the issue would have to come before the Board.

Chairperson Linda W Zimmer stated she had attended the Squaw Creek Soil Conservation dinner and the RC & D meeting. She also stated she had attended the Cooperative Weed Management Area meeting in Horseshoe Bend.

**ISSUE TRACKING:** Commissioner Terry C Day asked about the refund for gas tax issue. Clerk Swearingen stated she had received conflicting information from the State Tax Fund but stated she would try again. Chairperson Linda W Zimmer stated that EBCAD could take care of this issue, and Commissioner Day said he would talk to the ambulance group at the next advisory meeting.

**CONTRACTS/AGREEMENTS/GRANTS:** Clerk Swearingen presented the Big Pine Creek Aquatic Project amendment requesting a one-year extension. Chairperson Linda W Zimmer made a MOTION to approve the extension. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Clerk Swearingen presented the Gem State Communications Agreement. Commissioner Jamie Anderson made a MOTION to approve the maintenance agreement for \$157 annually for the Coroner's office. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

The Board reviewed the Westlaw Contract for the Prosecutor's office. Deputy PA Cherese McLain stated that the annual \$3,600 subscription cost would allow the Prosecutor's office access to all case law. Commissioner Terry C Day made a MOTION to approve the contract and to allow Deputy Cherese McLain to sign the contract. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**DEMAND WARRANTS:** Clerk Swearingen presented demand warrants to pay Rainbow Enterprises (\$23,200) and Webb Oil (\$6,082.62). Commissioner Terry C Day made a MOTION to approve the demand warrants. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**INDIGENT - EXECUTIVE SESSION per I.C. 67-2345(1) (d):** Deputy Clerk Vedros presented two cases for the Board's review. Chairperson Linda W Zimmer made a MOTION to go into executive session to make a decision on approval or denial of case 09-11-B. Commissioner Terry C Day SECONDED. Roll Call Vote: Commissioner Terry C Day – Aye; Chairperson Linda W Zimmer – Aye; Commissioner Jamie Anderson - Aye. Motion carried.

The Board came out of executive session. Chairperson Linda W Zimmer made a MOTION to deny case 09-11-B. Commissioner Terry C Day SECONDED. All ayes, motion carried.

## **MISCELLANEOUS & CORRESPONDENCE:**

- Resolution 2010-14 Prosecuting Attorney's budget – Commissioner Terry C Day made a MOTION to approve the resolution. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.
- Resolution 2010-16 Solid Waste unexpected expense from Warm Springs Landfill closure – Commissioner Terry C Day made a MOTION to approve the resolution. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.
- Certificate of Residency – Chairperson Linda W Zimmer made a MOTION to approve the certificate. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.
- Road employee compensation payout request – Commissioner Terry C Day made a MOTION to approve the request. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.
- Idaho Fish & Game Gardena surplus property letter.
- USDA Animal & Plant Health letter.
- Lowman District Ranger letter.
- Middle Fork Payette Bridge letter – to be reviewed through Planning & Zoning.
- Idaho World non-publishing of the Commissioner meeting agenda and employment advertisement issues.

**CONSTITUENT INPUT:** Jayne Reed, Garden Valley, spoke about the sign ordinance and the Planning & Zoning Commission's decision on a specific property.

**NATURE'S VIEW ESTATES:** This was a request for extension presented by Deputy Prosecutor Cheresé McLain. Ms. McLain gave a copy of the draft resolution to the Board.

**SOLID WASTE 2010 WHEEL LOADER BID OPENING:** The Board opened the bids from Cesco, Western States Equipment and Modern Machinery. Cesco did not bid but stated they would be interested in future bids. The Board read the following bids into the record: Western States Equipment - \$127,750; and Modern Machinery - \$135,880. The bid will be awarded on December 14<sup>th</sup>.

**PA ISSUES:** Commissioner Terry C Day made a MOTION to go into executive session per I.C. 67-2345(1)(b) personnel issues & (f) pending litigation to discuss Prosecutor RJ Twilegar's employment and salary issues. Commissioner Jamie Anderson SECONDED. Roll Call Vote: Commissioner Terry C Day – Aye; Chairperson Linda W Zimmer – Aye; Commissioner Jamie Anderson - Aye. Motion carried.

## **MASS GATHERING APPLICATION REVIEWS:**

- Idaho Rally – June 2010 in the Idaho City, Centerville and Placerville areas – Jens Schkade, event coordinator, stated he would be finalizing the routes soon. The Board stated they would need to know the actual route(s) for the event before making a final decision. The Board stated they would review this application again on January 11<sup>th</sup> at 1:30 p.m.
- Make-A-Wish Polar Bear Challenge – January 1<sup>st</sup>, 2010, Lucky Peak Reservoir – The promoters requested a waiver of the \$100 fee. Commissioner Terry C Day made a MOTION to approve the application. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried. Commissioner Terry C Day made a MOTION to waive the fees. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

**FUTURE AGENDA TOPICS REVIEW:** Commissioner Jamie Anderson stated she would like to review and discuss the employee survey results at the December 21<sup>st</sup> meeting.

Having no further business, Chairperson Linda W Zimmer adjourned the meeting until 11:00 AM, December 14<sup>th</sup>, 2009.

Approved this 11<sup>th</sup> day of January, 2010.

---

**TERRY C. DAY**, Chairman  
Boise County Board of Commissioners

Attest:

---

**Constance Swearingen**, Clerk to the Board