

BOISE COUNTY BOARD OF COMMISSIONERS  
**MONDAY, SEPTEMBER 28TH, 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 Anderson and Clerk Constance Swearingen

**OTHERS PRESENT:** Assessor Brent Adamson, Treasurer Barbara Balding, Deputy PA Cherese McLain and Deputy Clerk Dee Woodstrom

**COMMISSIONER DISCUSSION:** Commissioner Jamie Anderson spoke about Ms. O'Laughlin's building permit issue concerning repairs to her property. Commissioner Anderson stated that Ms. O'Laughlin had repaired her roof and did not have a new building constructed nor made any structural change.

Commissioner Jamie Anderson spoke about recovery bonds. Chairperson Linda W Zimmer stated that a resolution would be needed and that the bond could be done judicially or by the public.

Chairperson Linda W Zimmer stated she had received an email from Sysco Webex concerning the technical aspect of telephones, retrieving email, etc. Chairperson Linda W Zimmer asked Commissioner Jamie Anderson to pursue this issue since she was involved with the Tech Committee for Boise County.

Chairperson Linda W Zimmer stated she had received an apology letter from John Cottingham. She also stated that the open position on the P & Z Commission needed to be advertised in the newspaper.

**AMENDMENTS TO THE AGENDA:** Clerk Swearingen stated that the Garden Valley Recreational District FCOs needed to be re-signed.

**MINUTES:** Clerk Swearingen presented meeting minutes from the special meeting held on September . Commissioner Terry C Day made a MOTION to approve the minutes for September . Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

**TREASURER/ASSESSOR ISSUES:** Nothing was presented.

**COMMITTEE REPORTS:** Commissioner Jamie Anderson stated that she had Tech Committee meeting notes and would present them next week.

Clerk Swearingen stated that the Computer Arts contract was due October but she was still researching some questions she had on several of the software programs listed on the contract.

Commissioner Terry C Day stated he had attended the IAC Conference and Dispatch employee, Bill Sturgis's, going away party.

Chairperson Linda W Zimmer stated she had attended the RC&D meeting where they had talked about the year end financial budget and next year's budget.

**CONTRACTS/AGREEMENTS/GRANTS:** Emergency Management Services Coordinator Gordon Ravenscroft presented the Central District Health Allotment VIII Grant application. Commissioner Jamie Anderson made a MOTION to approve the grant application. Commissioner Terry C Day SECONDED. All ayes, motion carried.

Mr. Ravenscroft also provided an update on the H1N1 (Swine Flu). He stated that there was one confirmed case in Boise County.

Clerk Swearingen presented the two Benchmark Agreements from last week and the JABG Grant application. Valerie Delyea, Community Justice Grant Administrator, stated that the JABG funds would be used in support of the ICAN program. Chairperson Linda W Zimmer requested an update of the ICAN program from Ms. Delyea. Commissioner Terry C Day made a motion to approve the Benchmark Supplement for 2010, the Benchmark extension and the IDJC for 2010. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**DEMAND WARRANTS:** Clerk Swearingen presented demand warrants to pay IRCDA (\$50), Boise County Treasurer (4 warrants totaling \$4,257.31), Maxine's Mules (\$7,200), Computer Arts (\$537.60), Mountain View Title (\$7,920) and Constance Swearingen (\$125.20). Commissioner Jamie Anderson made a MOTION to approve the demand warrants presented. Commissioner Terry C Day SECONDED. All ayes, motion carried.

Clerk Swearingen also presented a demand warrant to pay Sue Robinson (\$92.73). Commissioner Terry C Day made a MOTION to approve the demand. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**INDIGENT - EXECUTIVE SESSION per I.C. 67-2345(1)(d):** Chairperson Linda W Zimmer made a MOTION to go into executive session to discuss liens on case 09-08-B, 09-09-B, 09-09-D and 09-09-C and make a decision on case 09-09-A. Commissioner Terry C Day SECONDED. Commissioner Day: AYE; Commissioner Anderson: AYE; and Chairperson Zimmer: AYE. All ayes, motion carried.

Chairperson Linda W Zimmer made a MOTION to come out of executive session. Commissioner Terry C Day SECONDED. All ayes, motion carried.

Chairperson Linda W Zimmer made a MOTION to sign liens for cases 09-08-B, 09-09-B, 09-09-D and 09-09-C and approve case 09-09-A. Commissioner Terry C Day SECONDED. All ayes, motion carried.

**PUBLIC HEARING – JENNINGS LOT LINE VACATION:** Commissioner Linda W Zimmer made a MOTION to close the public meeting and open the public hearing. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Planning & Zoning Administrative Assistant Rora Canody read the staff report into the record. Surveyor, Doug Bergey, spoke about the lot line vacation. Ron Jennings, property owner, spoke about combining the two lots into one. Commissioner Terry C Day asked about the original survey. Mr. Bergey stated that the deeds were incorrect. Commissioner Jamie Anderson stated that Boise County did due diligence at the time of the survey and that the area homeowners had had time to protest the issue.

Chairperson Linda W Zimmer made a MOTION to close the public hearing and re-open the regular meeting.

Commissioner Jamie Anderson made a MOTION to approve the vacation of the lot line contingent upon presentation of a new record of survey to Planning & Zoning. Commissioner Terry C Day SECONDED. All ayes, motion carried.

**PLANNING & ZONING:** Heath Clark, representative for Southfork Landing, presented information to the Board about a request for extension on Southfork Land PUD-Phase II conditions of improvements on Highway 17 and Alder Creek Road. Mr. Clark stated that he was requesting an extension until October 1, 2010. Deputy Prosecutor Cherese McLain gave an update and stated that the Memorandum of Understanding on the bridge did not include a timeframe for completion. The Board stated that Mr. Clark and Deputy Prosecutor McLain should work together on the verbiage for the extension and then create an amended FCO.

**PA ISSUES:** Commissioner Jamie Anderson asked Prosecutor RJ Twilegar about the letter he had sent concerning other County officials' requests for his two Deputy Prosecutors to track their work hours. Mr. Twilegar stated that he had not been consulted about the hours they worked. He further stated that he had a letter of agreement with his deputy prosecutor's which stated that they agreed that any hours over thirty (30) would be considered exempt. Deputy Prosecutor Cherese McLain stated she would sign a waiver, if needed, for the exemption.

Deputy Prosecutor McLain gave an update on the Rice property on Montgomery Street. Ms. McLain stated she would draft a letter to the city of Idaho City about the cleanup of the property. Commissioner Terry C Day stated he would get a crew together to do the cleanup.

Chairperson Linda W Zimmer made a MOTION to go into executive session per I.C. 67-2345(1)(a)(b) and (f) to consider hiring an individual agent, to consider the evaluation of complaints against a public officer, and to communicate with legal counsel to discuss legal ramifications of and legal options for controversies not yet litigated but imminently likely to be litigated. Commissioner Terry C Day SECONDED. Commissioner Day: AYE; Commissioner Anderson: AYE; and Chairperson Zimmer: AYE. All ayes, motion carried. Commissioner Jamie Anderson made a MOTION to come out of executive session. Chairperson Linda W Zimmer SECONDED. Commissioner Terry C Day was absent. Motion passed.

Clerk Swearingen presented an itemized bill from David Leroy whom Prosecutor Twilegar hired to advise him during the Attorney General's investigation. Commissioner Terry C Day made a MOTION to deny the request for payment to Mr. Leroy. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**CONSTITUENT INPUT:** Jayne Reed, Garden Valley, spoke about the Planning & Zoning Commission. She gave the Board a copy of the sign portion of the zoning ordinance and provided pictures.

Trevor Howard, Boise County Engineer, stated that grants were coming due for the energy efficiency and REEZ. Mr. Howard stated that the grants could dovetail with the Woody Biomass Partnership's plans.

**ROAD DEPT:** Trevor Howard, Boise County Engineer, spoke about the Twin Bridges RAC grant application. Commissioner Terry C Day made a MOTION to approve signing the letter. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

**CENSUS 2010 UPDATE:** Dave Mulvihill from the U.S. Census Bureau presented information and maps for the Board.

Mr. Mulvihill discussed the time-frames of when the Census 2010 workers would be in the field. He also stated that the Census workers were allowed to trespass by law but stated that they were only to go to the homeowners' doors and were not to wander around private property.

Clerk Swearingen asked about the homes located along the Highway 21 corridor since they have Boise addresses but are located in Boise County. Mr. Mulvihill stated that the workers had GPS units so they could locate specific houses and to ensure the correct county.

**COMMUNITY JUSTICE:** Juvenile Probation Officer Kevin Burke gave the Board reports from July and August 2009. Mr. Burke asked the Board if he could use Tim Green's Autobody for personal use and utilize the Boise County's discount. Clerk Swearingen stated she would talk to the Deputy Prosecutor about this.

**BILLS:** Clerk Swearingen presented the bills as follows:

General Fund	\$	7,440.60	EBCA	\$	3,024.55
Justice Fund	\$	4,596.07	Weeds	\$	5,610.32
Road & Bridge	\$	31,671.42	District Court	\$	5,713.07
Emergency 911	\$	10,590.40	Solid Waste	\$	19,001.81
Indigent	\$	4,340.16	Snowmobile GV5-B	\$	259.58
Revaluation	\$	1,445.78			

Commissioner Terry C Day made a MOTION to pay the bills. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

**NOXIOUS WEEDS:** Supervisor Mike Bottoms spoke about the stimulus funding and presented the State of Idaho Stimulus information. Mr. Bottoms stated that he wanted to purchase a trailer with some of the stimulus money. Commissioner Jamie Anderson made a MOTION that the Board allow Chairperson Linda W Zimmer to sign for the stimulus grant upon clarification of its provisions. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

**SHERIFF'S DEPT:** Sheriff Ben Roeber presented the ITD Grant and stated that the Sheriff's Office would receive both equipment and overtime payment through the grant.

Sheriff Roeber also presented the agreement with the city of Horseshoe Bend to provide law enforcement protection from October 1, 2009 to September 30, 2009. Commissioner Jamie Anderson made a MOTION to approve the Horseshoe Bend Agreement. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

**YEARS OF SERVICE PRESENTATION TO DEE WUEHLER:** Chairperson Linda W Zimmer thanked Dee Wuehler for her dedication to the commission and presented a year's of service plaque to her for service as a Planning & Zoning Commissioner.

**MISC. & CORRESPONDENCE:**

- o EBCA write off request (\$364.74) from Deputy Clerk Browning. Chairperson Linda W Zimmer made a MOTION to write off the balance of \$364.74 for the ambulance fees upon receipt of the \$350.00 owed. Commissioner Terry C Day SECONDED. All ayes, motion carried.
- o Elk Run Subdivision FCOs had never been signed on August 13, 2007. Chairperson Linda W Zimmer and Commissioner Terry C Day signed the document.
- o Prosecutor office payroll change request for Ms. Fleda Wright, Boise County's Victim's Advocate. It was stated that Ms. Wright added more hours but the pay rate had remained

- the same. Chairperson Linda W Zimmer made a MOTION to approve the payroll change. Commissioner Terry C Day SECONDED. All ayes, motion carried.
- o Road Department compensation time payout for two employees. Commissioner Terry C Day made a MOTION to approve both payout requests. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.
  - o Resolution 2009-24 Prosecutor budget – Chairperson Linda W Zimmer made a MOTION to approve the resolution. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.
  - o Resolution 2009-25 Community Justice Budget Adjustment for the Community Incentive Project. Commissioner Terry C Day made a MOTION to approve the resolution. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.
  - o Resolution 2009-26 Sheriff Treasury DOJ Unanticipated Revenue – Commissioner Terry C Day made a MOTION to approve the resolution. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.
  - o Wildlife collision avoidance information.
  - o USDA Mountain Home Ranger District letter
  - o USDA Fish & Game project letter
  - o Department of Water Resources Middle Fork Payette River application.
  - o Negotiation Services Middle Fork River Bridge proposal. It was stated that a letter needed to be sent out to those whom were not awarded the bid.
  - o Resolution 2009-22 EBCA Placerville Ambulance Surplus. Commissioner Jamie Anderson made a MOTION to approve the resolution. Commissioner Terry C Day SECONDED. All ayes, motion carried.
  - o Prosecutor's office payroll change forms for three employees – Commissioner Terry C Day made a MOTION to approve the three payroll change requests. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.
  - o Chairperson Linda W Zimmer spoke about an email she had received concerning an Enhanced 911 Grant.

**FUTURE AGENDA TOPICS REVIEW:** The Board discussed the following:

- Recovery bond information.
- Deputy Prosecutor McLain talked about the RS2477 assertion.
- Chairperson Linda W Zimmer stated she would be gone next week.
- The Board discussed having an elected official/department head meeting soon.

Having no further business, Chairperson Linda Zimmer adjourned the meeting until 9:00 AM, October , 2009.

Approved this day of October, 2009.

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**LINDA W ZIMMER**, Chairperson  
Boise County Board of Commissioners

Attest:

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**Constance Swearingen**, Clerk to the Board