



# BOISE COUNTY

## RESOLUTION #2012-06A

**AMENDED RESOLUTION OF THE BOISE COUNTY BOARD OF COUNTY COMMISSIONERS DECLARING AN EMERGENCY PURSUANT TO IDAHO CODE SECTION 31-1608 AS DETERMINED BY HON. TERRY L. MYERS, U.S. BANKRUPTCY COURT FOR THE DISTRICT OF IDAHO, CASE NO. 11-00481-TLM, DOCKET NO. 157, DATED SEPTEMBER 2, 2011 ("BANKRUPTCY DECISION"); AUTHORIZING THE TRANSFER OF APPROPRIATIONS FROM THE GENERAL FUND, ROAD AND BRIDGE FUND, SOLID WASTE FUND, AUDITOR'S TRUST ACCOUNT AND THE COUNTY IMPROVEMENT FUND TRUST ACCOUNT TO THE WARRANT REDEMPTION FUND TO MEET MANDATORY EXPENDITURES REQUIRED BY LAW NOT PROVIDED FOR IN THE FISCAL YEAR 2012 BUDGET; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Idaho Code Section 31-1608, the Boise County Auditor may not issue any warrant and the Boise County Board of County Commissioners may not approve any claim for any expenditure in excess of a budget appropriation except for emergencies as provided in Idaho Code Section 31-1608 and such transfer must be made pursuant to Idaho Code Section 31-1508;

**WHEREAS**, the Bankruptcy decision found that payment of the judgment entered in *Alamar Ranch, LLC, et al. v. County of Boise*, Case No. 1:09-cv-004-BLW (U.S. District Court for the District of Idaho)("Alamar Ranch") constituted an emergency pursuant to Idaho Code Section 31-1608 and paid pursuant to Idaho Code Section 31-1508;

**WHEREAS**, the County is in need of funds to pay the settlement amount reached with Alamar Ranch in the amount of \$5,400,000.00 and other valuable consideration in a series of warrants as ordered by the Court in Docket No. 245 of the aforementioned case in fiscal year 2012 and subsequent fiscal years until paid ("Order"); and,

**WHEREAS**, the General Fund, the Road and Bridge Fund, the Solid Waste Fund, the Auditor's Trust Account and the County Improvement Fund Trust Account contain monies not yet spent which can be transferred into the Warrant Redemption Fund pursuant to Idaho Code Sections 31-1507 and 63-806 to meet expenditures not provided for in the fiscal year 2012 budget in order to pay the first initial down payment of \$1,200,000.00 in a warrant issued to Alamar Ranch as set forth in the Order on or before November 14, 2011 and to pay the balance of the initial down payment in a warrant issued to Alamar Ranch as set forth in the Order on or before December 21, 2011.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BOISE COUNTY, IDAHO, A UNANIMOUS DECISION** detailed as follows:

Section 1: The recitals, as set forth in this resolution, are hereby acknowledged and approved.

Section 2: The following funds shall be transferred to the Warrant Redemption Fund in the amounts as follows:

- General Fund #01 in the amount of \$1,019,000.00;
- Road & Bridge Fund #02 in the amount of \$200,000.00;
- Solid Waste Fund #23 in the amount of \$800,000.00;
- County Improvement Fund Trust Account #9103 in the amount of \$81,000.00; and,
- Auditor's Trust Account #9101 in the amount of \$150,000.00 for the total amount transferred of \$2,250,000.00.

Section 3: This resolution shall take effect and be in force from and after its passage and original approval date of the 10<sup>th</sup> day of November, 2011.

**APPROVED and AMENDED** this 21<sup>st</sup> day of March, 2012.

**BOISE COUNTY BOARD OF COMMISSIONERS**

  
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**ROBERT A. FRY**, Chairman

  
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**TERRY C. DAY**, Commissioner

  
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**JAMIE A. ANDERSON**, Commissioner



  
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**Mary T. Prisco**, Clerk to the Board