

BOISE COUNTY BOARD OF COMMISSIONERS  
MONDAY, MAY 21<sup>ST</sup>, 2012  
BOISE COUNTY COMMISSIONERS' ROOM  
**OFFICIAL MEETING MINUTES**

Chairman Robert A Fry called the meeting to order at 9:00 A.M. The Pledge of Allegiance was recited.

**PRESENT:** Chairman Robert A Fry, Commissioners Jamie A Anderson and Terry C Day, Clerk Mary T Prisco, Assessor Brent Adamson and Treasurer April Hutchings.

**COMMISSIONER DISCUSSION:** Commissioner Terry C Day questioned whether a public hearing was required when a condemnation of property was being considered.

Commissioner Jamie A Anderson reported that there was a special meeting scheduled for May 22<sup>nd</sup>, 2012 at 4:00 pm, at the SAGE offices. Commissioner Terry C Day is unable to attend. Chairman Robert A Fry will attend in his place and will need Commissioner Day to make him his proxy, in written format.

Commissioner Anderson requested confirmation that preparation for the Exergy Tour was complete. Clerk Prisco responded that all preparations had been made.

The Commission discussed, with Interim Planning & Zoning Administrator, Rora Canody, a letter sent to a property owner for a right-of way violation.

Commissioner Anderson asked if Cameron Arial from Zion's Bank had been invited to a meeting with the State Tax Commission. Chairman Fry clarified that the Tax Commission would need to invite him as they are the entity that requested the meeting. Chairman Fry also clarified that the subject of the meeting was to discuss what options the County might have regarding fund levy limits.

Commissioner Day stated Emergency Management Coordinator, John Roberts, and EBCA Medical Director, Dr. Matt Nelson, would be in attendance during the departmental issues today and stated that the next EBCA meeting would be to discuss the new medical plan.

**AMENDMENTS TO THE AGENDA:** Commissioner Jamie A Anderson MOTIONED to amend the agenda, contingent upon the agreement being available, to include the review and signing of the Medical Director Agreement (EBCA) with Dr. Matthew Nelson at 3:30 p.m., due to the urgency of signing a contract with Dr. Nelson. Commissioner Terry C Day SECONDED. Roll call vote: Chairman Robert A Fry – Aye; Commissioner Jamie A Anderson – Aye; and Commissioner Terry C Day - Aye. Motion carried.

**MINUTES:** Commissioner Terry C Day made a MOTION to approve the April 16<sup>th</sup>, 2012 minutes as amended. Chairman Robert A Fry SECONDED. All ayes; motion carried.

Commissioner Terry C Day MOTIONED to approve the May 14<sup>th</sup>, 2012 minutes. Chairman Robert A Fry SECONDED. All ayes; motion passed.

**DEPARTMENTAL ISSUES:** Assessor Brent Adamson presented three applications for exemption for the builder's inventory exemption; which is a new law under HB 519 and currently operating under a temporary rule. First application presented: Napias Subdivision. Chairman Robert A Fry made a MOTION to deny the application for exemption, submitted by Napias Subdivision, as the lots are not eligible under the new law. Commissioner Jamie A Anderson SECONDED. All ayes; motion carried. Second application presented: Summer Ridge Subdivision. Chairman Robert A Fry made a MOTION to approve the application for exemption, in the amount of \$15,330.00, as the exemption qualifies under the new law. Commissioner Terry C Day SECONDED. All ayes; motion carried. Third application presented: South Fork Landing Subdivision. Assessor Adamson described the value of the improvements and the calculation used to arrive at the exemption value. He also confirmed that documentation of proof for the improvements was provided by the applicant. Commissioner Jamie A Anderson MOTIONED to approve the application for exemption

for the original developers who are the deeded owners of record, commonly known as South Fork Landing, in the amount of \$2,799,799.32, applied proportionally. Chairman Robert A Fry SECONDED. All ayes; motion carried.

Treasurer April Hutchings presented a payroll change request form for G. Turner, to move her into the Treasurer's Chief Deputy position. Commissioner Terry C Day MOTIONED to approve the payroll change form for G. Turner. Chairman Robert A Fry SECONDED. All ayes; motion passed.

Planning & Zoning Interim Administrator, Rora Canody, presented contracts for Garden Valley Fire Protection District and Wilderness Ranch Fire Protection District to perform Red Zone Assessments. Commissioner Terry C Day MOTIONED for Chairman Fry to sign both contracts for Red Zone assessments. Commissioner Jamie A Anderson SECONDED. All ayes; motion passed.

**COMMITTEE REPORTS:** Commissioner Terry C Day attended the Central District Health Department meeting in McCall, conducted by Gordon Cruikshank, Valley County Commissioner.

Commissioner Anderson: 1) attended the Magistrate Commission meeting for the selection process of the Magistrate Judge of Ada County Juvenile Court; 2) met with J-U-B Engineering and EBCAD Placerville Ambulance unit representatives regarding the EBCA Placerville Ambulance building. 3) attended the annual HOA meeting of the Valley High Subdivision in Garden Valley. They are interested in Firewise projects in the future.

Chairman Fry: The Woody Biomass meeting was not attended due to a conflict with a Commissioner meeting. The West Highlands RC&D continues to have financial issues. An executive session is likely at the next meeting.

The Board reconvened and Chairman Robert A Fry asked for unanimous consent to remove issue tracking from the agenda and move directly into indigent. No objections.

**INDIGENT:** Deputy Clerk Loya presented four indigent cases. Chairman Robert A Fry made a MOTION to go into executive session under I.C. 67-2345 (1)(d) and (f) for indigent cases. Commissioner Terry C Day SECONDED. Roll call vote: Chairman Robert A Fry – Aye; Commissioner Jamie A Anderson – Aye; and Commissioner Terry C Day - Aye. Motion carried. Coming out of executive, Chairman Robert A Fry MOTIONED to approve case 12-3-B, pending medical review, approved case 12-3-C and denied cases 12-2-C and 12-4-A, due to noncompliance. Commissioner Terry C Day SECONDED. All ayes, motion carried.

**PA ISSUES:** Deputy Prosecutor, Cherese McLain, discussed the payment due to LHTAC for the SouthFork Payette Bridge and the Late Comers Agreement. Commissioner Robert A Fry MOTIONED to go into executive session under I.C. 67-2345(1)(b) personnel and (f) for pending litigation. Commissioner Jamie A Anderson SECONDED. Roll call vote: Chairman Robert A Fry – Aye; Commissioner Jamie A Anderson – Aye; and Commissioner Terry C Day - Aye. Motion carried. Coming out of executive session, Chairman Robert A Fry reported that a personnel issue was discussed with no action to be taken. A second item was discussed briefly in executive and determined that it needed to be handled outside of executive session. The Board requested Ms. McLain to communicate, with the county's financial advisor, that we would expedite the Idaho Bond Bank application if at all possible.

**CONSTITUENT INPUT:** Roger Jackson provided input on the placement of the SF Payette Bridge. Laura Soapworth, Tony Louckes, Shaun Charters and Molly Louckes, all relatives of Patricia Gardner, Right-Of-Way property owner, provided input on the property. They want the least amount of damage to the homestead property as possible. Jayne Reed provided input on her previous home's foundation.

The regular meeting was closed and the public hearing for the Pines Subdivision #1 Road Abandonment was opened.

**PUBLIC HEARING – PINES SUBDIVISION #1 ROAD ABANDONMENT:** Deputy Prosecutor, Cheresé McLain, provided a general outline on how the public hearing would proceed. The guidance included: presentation of staff reports, time limitations and content of public testimony, closure of the hearing and the deliberation process that follows.

Photos of the roads in question were provided and marked as exhibits. Maps of the subdivision were provided to the Board. Deputy Prosecutor McClain discussed the validation and abandonment processes provided by law and some of the particulars of each. Pertinent county ordinances were also discussed.

Chairman Robert A Fry requested that public input be limited to 5 minutes or less each. Testimony was provided by the following individuals: Crystal Spicer, Paul Esquierro, Jeff Toothaker, Gerald Caetano and Gary Walcom, all of whom are property owners in the area. Excerpts from a letter, representing property owners Veague, Jones and Hornby, were read into record for clarification purposes.

At the conclusion of testimony, Deputy Prosecutor McClain reviewed the pertinent law associated with the determination of public roads. Deputy Prosecutor McClain demonstrated that the county had met all notice requirements of the law.

Bill Jones, Road Department Superintendent, also provided testimony to the Board. Mr. Jones' testimony clarified that the county cannot maintain the roads – the county does not have the equipment necessary to perform the maintenance. Mr. Jones stated the roads would need to be built first as they currently have no drainage. Mr. Jones also stated that he is not aware of any official agreement (historically) to maintain these roads.

The public hearing was closed and the regular meeting was opened for the Board to deliberate on a decision. Discussion ensued on the subject and legal aspects were discussed. Chairman Robert A Fry MOTIONED to table the decision to the June 4<sup>th</sup>, 2012, regular Commissioner meeting. Commissioner Terry C Day SECONDED. All ayes; the motion carried.

**CONTRACTS/AGREEMENTS/GRANTS:** Commissioner Terry C Day MOTIONED that the Board sign the contract with ITD for the SouthFork Payette Bridge Key #09986 and designate Bill Jones, Road Department Superintendent, as the authorized representative for the county on any change orders. Chairman Robert A Fry SECONDED. All ayes; motion passed.

The Medical Director Agreement with Dr. Matthew Nelson was discussed. A final agreement was not available for the Commissioners to sign. Further discussion of the agreement ensued. Additional malpractice insurance coverage, for Dr. Nelson to provide services to EBCAD, will be required and the county, through EBCAD, will pay for the coverage. No action was taken.

Commissioner Jamie A Anderson MOTIONED to approve the application for Federal Assistance SF-424 for Boise County under the Noxious Weeds Department, in the amount of \$5,511.16. Commissioner Terry C Day SECONDED. All ayes; motion passed.

**DEMAND WARRANTS:** Chairman Robert A Fry MOTIONED to approve a demand warrant for \$425.00 to Sandi Seibel. Commissioner Terry C Day SECONDED. All ayes; motion carried. Commissioner Jamie A Anderson MOTIONED to approve a demand warrant of \$249.16, ARRA funds, to Points West Argo, Inc. Chairman Robert A Fry SECONDED. All ayes; motion carried. Chairman Robert A Fry MOTIONED to approve a demand warrant for \$14,911.05 to J-U-B Engineering (for the SouthFork Payette Bridge). Commissioner Terry C Day SECONDED. Further discussion: 100% of work is completed. All ayes; motion passed.

Commissioner Day MOTIONED to approve a demand warrant for \$150,000 to ITD, SouthFork Payette Bridge. Commissioner Robert A Fry SECONDED. All ayes; motion passed.  
Chairman Robert A Fry MOTIONED to approve a demand warrant for \$2,450 to DL Wallace Trucking. Commissioner Jamie A Anderson SECONDED. All ayes; motion passed.  
Chairman Robert A Fry MOTIONED to approve a demand warrant for \$174.75 to G&R Ag Products, Inc. Commissioner Jamie A Anderson SECONDED. All ayes; motion passed.

**MISCELLANEOUS & CORRESPONDENCE:** Chairman Robert A Fry made a MOTION to authorize the compensated time payout for S. Loya. Commissioner Jamie A Anderson SECONDED. All ayes; motion carried.

Commissioner Terry C Day MOTIONED to approve the canvass of votes for the May 15, 2012 election. Chairman Robert A Fry SECONDED. All ayes; motion passed.

Commissioner Terry C Day MOTIONED to approve the Certificate of Residency for D. Goff. Chairman Robert A Fry SECONDED. All ayes; motion passed.

Commissioner Jamie A Anderson MOTIONED to approve Resolution 2012-19, to include the Courier of the Treasurer's Department as an employee in the budget. Chairman Robert A Fry SECONDED. All ayes; motion passed.

Chairman Robert A Fry MOTIONED to approve Resolution 2012-20, recognizing unanticipated revenue to the Community Justice Fund. Commissioner Terry C Day SECONDED. All ayes; motion passed.

**FUTURE AGENDA TOPICS:** Commissioner Jamie A Anderson inquired about developing procedures to implement the financial policies as a future agenda topic. Clerk Prisco agreed that procedures need to be developed but that the item would need to be pushed out to the June 25<sup>th</sup> meeting due to other commitments.

Commissioner Anderson inquired as to when the budget workshop dates would be provided. Clerk Prisco responded that, due to personnel changes in the Deputy Auditor position, the dates would need to be established after a new employee has started in the position.

Having no further business, Chairman Fry adjourned the meeting until 9:00 am on Tuesday, May 29<sup>th</sup>, 2012.

Approved this 11<sup>th</sup> day of June, 2012.

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**ROBERT A. FRY**, Chairman  
Boise County Board of Commissioners

**Attest:**

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MARY T. PRISCO, Clerk to the Board