



BOISE COUNTY

RESOLUTION #2024-08

A BOISE COUNTY RESOLUTION AMENDING THE BOISE COUNTY PERSONNEL POLICY

WHEREAS, the Boise County Board of Commissioners has approved the amended Boise County Personnel Policy, known as Resolution 2024-08; and

WHEREAS, a diligent review and discussion of the amended policy has been held by the Boise County Board of Commissioners; and

WHEREAS, agreement has been reached, by the Board, on the changes included in the amended Boise County Personnel Policy, Resolution 2024-08.

NOW THEREFORE BE IT RESOLVED, that the Boise County Board of Commissioners does hereby adopt the Boise County Personnel Policy, known as Resolution 2024-08, and which rescinds the previous Boise County Personnel Policy under Resolution 2014-75.

IT IS FURTHER RESOLVED that Resolution 2024-08, known as the Boise County Personnel Policy, be effective as of December 26th, 2023.

APPROVED and ADOPTED on this 26th day of December, 2023, in Open Session of the Boise County Board of Commissioners.

BOARD OF BOISE COUNTY COMMISSIONERS



Steven M. Twilegar, Chairman



Clay S. Tucker, Commissioner



Lindy E. Lindstrom, Commissioner

Attest:



Mary T. Prisco, Clerk to the Board



BOISE COUNTY

PERSONNEL

POLICY



Resolution 2024-08

WELCOME

It is our privilege to welcome you to Boise County. We wish you every success in your new job, and we hope that you quickly feel at home. This Personnel Policy was developed to describe some of the expectations we have for all of our employees and what you can expect from us. We hope that your experience here will be challenging, enjoyable, and rewarding.

Again, welcome!

Boise County Board of County Commissioners

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I. THE ORGANIZATION FOR WHICH YOU WORK

The County is a political subdivision of the State of Idaho, though it is not a part of state government. The Board of County Commissioners serves as the governing body of the County, carrying out local legislative duties and fulfilling other obligations as required by law. The Board of County Commissioners is the general policymaker for the County and has primary authority to establish terms and conditions of employment with the County.

Each employee should recognize that although employee may serve as an employee in the office of an Elected Official, employee remains an employee of the County, and not of the official who supervises his/her work. The terms and conditions set forth in this Policy, and in the resolutions and policy statements that support it, cannot be superseded by any other official, without the express written agreement of the Board of County Commissioners. That is particularly true for terms or conditions that would establish a current or future financial obligation for the County. You may, however, work for an office/department with an operational policy that provides additional direction to employees on expectations and procedures unique to that office/department.

II. YOUR EMPLOYMENT RELATIONSHIP WITH THE COUNTY

This Policy is designed to introduce you to the County, familiarize you with various policies, practices and procedures currently in effect at the County, and help answer many of the questions that may arise in connection with your employment.

This Policy is not a contract of employment and does not create a contract of employment. This Policy does not create a contract, express or implied, guaranteeing you any specific term of employment, nor does it obligate you to continue your employment for a specific period of time. Its purpose is simply to provide you with a convenient explanation of present policies and practices of the County.

All employees of the County are at-will and are employed at the discretion of the Elected Official for whom they serve. Only a written contract expressly authorized and signed by the Board of County Commissioners can alter the at-will nature of employment regardless of anything written or spoken by an Elected Official or supervisor. Employees have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the Elected Official and the Board of County Commissioners. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail.

The County reserves the right to modify any of the policies, benefit offerings, and procedures, including those covered in this Policy, at any time, without prior notice to, and consent of, county employees. Changes may be made in the sole discretion of the Board of County Commissioners.

III. EMPLOYEE CODE OF CONDUCT

Employees are expected to conduct themselves in a professional manner that is both civil and cooperative. County employees are public employees and therefore are exposed to additional public scrutiny in both their public and personal conduct. This Code of Conduct has been established to aid employees in understanding both expected and prohibited conduct. Violations of the Code of Conduct will be grounds for disciplinary action up to and including termination of employment. This list is illustrative and not all inclusive. Other behaviors and acts of misconduct not specifically detailed here may be grounds for

disciplinary action as well. Nothing contained herein is intended to change the at-will nature of employment or limit the reasons for which an employee may be disciplined.

A. EXPECTED CONDUCT

Each employee is expected to conduct himself/herself in a professional manner. In order to accomplish this, each employee must:

1. Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and members of the public.
2. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.
3. Comply with dress standards established in the office/department for which the employee works. In the absence of any office/departmental dress standards, clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
4. Abide by all office/departmental rules and direction of a supervisor whether written or oral. No employee will be required to follow the directive of a supervisor that violates the laws of the local jurisdiction, state or nation.
5. Maintain the confidential nature of records that are not open to the public in accordance with the direction of the responsible official.
6. Maintain a current appropriate driver's license when work for the County requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
7. Follow all workplace safety rules whether established formally by the office/department or by outside agencies.
8. Report all accidents that occur or are observed on the job, or that involve County property, and cooperate as requested in the reconstruction of any such accident.
9. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the County and related agencies.
10. Adhere to any code of ethics in the employee's profession.
11. Establish a password on all County systems, including any personal use devices to ensure system security.

B. Prohibited Conduct

Employees are expected to refrain from behaviors that reflect adversely upon the County, including:

1. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord and lack of harmony, or that willfully interferes with another employee's ability to do his/her job.
2. Not engage in abusive conduct or language, including profanity and loud, threatening or harassing speech, toward or in the presence of fellow employees or the public.

3. Not engage in conduct at or away from work that may reflect adversely upon the County or its officials or otherwise impair the employee's ability to perform.
4. Not engage in prolonged visiting with co-workers, children, friends or family members that interfere with work in the office/department in which the employee serves.
5. Not use work time for personal business, including the selling of goods or services to the general public.
6. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media. All users are responsible for protecting County information from unauthorized disclosure, modification, deletion and usage. Users shall comply with all applicable laws, regulations, policies, standards, and procedural controls in order to protect County information systems and shall report sensitive security issues, misuse, and violations of security policy.
7. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.
8. Not have non-County employment, or serve on any board or commission, that conflicts with duties performed for the County in any meaningful way. Individual offices/departments may determine permissible examples of outside employment.
9. Not knowingly make any false report or complaint regarding behavior of others, or participate in such report or complaint.
10. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record
11. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. If the employee is prescribed a medication that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.
12. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the County (I.C. §§ 18-3201 and 18-3202).
13. Not engage in political activities while on duty. This rule does not apply to Elected Officials.
14. Not provide false or misleading information on employment applications, job performance reports or any other related personnel documents or papers.
15. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §74-401 *et seq.* (Ethics in Government Act), I.C. §74-501 *et seq.* (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
16. Not accept gifts or gratuities in any personal or professional capacity that, although it may be legal, could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
17. Not engage in criminal conduct of any kind while on or off duty.

IV. WORKPLACE VIOLENCE

The County seeks to provide a violence-free workplace. Violence in the workplace poses a threat to the safety of employees and the public. The County will not tolerate acts and behaviors that are likely to result in workplace violence, including, but not limited to, abusive language, hitting or shoving, threats of bodily harm, threats or acts of violence, brandishing of an object which may be used as a weapon, sending threatening, harassing or abusive e-mail and faxes, using the workplace to violate protective orders and stalking.

All employees are responsible for minimizing workplace violence. All acts or threats of violence should be promptly reported to a supervisor or Elected Official. Employees should also report situations that they believe could lead to workplace violence, including but not limited to protective orders or other no-contact orders.

Any employee who is determined to be responsible for acts or threats of violence, or other conduct listed in this section, will be subject to prompt disciplinary action up to and including termination of employment.

V. UNLAWFUL WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION

The County strives to maintain a supportive and civil workplace—one in which employees treat each other with respect and dignity. In keeping with these values, the County prohibits and does not tolerate unlawful workplace discrimination, harassment or retaliation.

The following defined terms are applicable to this section:

Legally protected class means a personal characteristic that is protected by law. This includes race, color, national origin, religion, sex, age (40 and over), disability, or any other characteristic protected by law.

Participation in the workplace includes all aspects of being an employee at the County, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination and/or retirement.

A. Workplace Discrimination

Workplace discrimination is when one or more persons in a **legally protected class** are treated adversely with respect to their **participation in the workplace**. Adverse employment actions usually involve decisions made by supervisors, department heads, or Elected Officials that affect the workplace status and benefits of employees.

Illegal adverse employment actions may include, but are not limited to, not hiring a qualified applicant due to his/her age, not promoting an employee due to his/her religious beliefs, denying an employee a raise due to his/her race, disciplining an employee more harshly than others due to his/her sex, and terminating an employee due to his/her national origin.

B. Workplace Harassment

Workplace harassment is unwelcome conduct that is directed to one or more persons in a **legally protected class** that interferes with their **participation in the workplace**. The offensive conduct must be *severe or recurring* such that it creates a work environment that a reasonable person would consider intimidating, hostile or abusive. Petty slights, annoyance, and isolated incidents (unless extremely serious) will not rise to the level of illegality.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures.

C. Workplace Sexual Harassment

Sexual harassment is a specific type of workplace harassment. Since it is particularly destructive to the work environment it is more thoroughly addressed here.

Sexual harassment occurs when one or more persons are subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual or physical harassment of a sexual nature that is so *severe or recurring* such that it creates a hostile or offensive work environment.

Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity or gender expression.

Sexual harassment is unlawful whether it involves co-workers, supervisors, elected officials, or customers of the County.

Sexual harassment may include, but is not limited to:

1. Leering, making sexual gestures, or displaying derogatory and or sexually suggestive objects, pictures, cartoons, posters or drawings;
2. Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes or comments;
3. Verbal or non-verbal unwanted sexual advances or propositions;
4. Threatening or making reprisals after a negative response to sexual advances;
5. Offering employment benefits such as raises, promotions and job retention in exchange for sexual favors;
6. Unwanted physical conduct such as touching, massaging, pinching, patting, hugging; and
7. Physical interference with normal work or movement including impeding or blocking movement.

D. Hostile Work Environment

A hostile work environment is discrimination or harassment in the workplace in which comments or conduct based on a **legally protected class**, unreasonably interferes with **participation in the workplace**. To a reasonable person, the comments or conduct must be *severe or recurring* such that it creates an intimidating or offensive work environment. Isolated incidents, petty slights, occasional teasing or impolite behavior are generally not sufficient to create a hostile work environment.

Examples of a hostile work environment may include, but are not limited to, being subjected to daily racial slurs, recurring derogatory comments about job performance based on gender, continuous sexual advances or propositions, frequently receiving sexually explicit emails from a coworker, physical harassment like hitting, pushing, groping and other touching.

E. Workplace Retaliation

Workplace retaliation is when an employee is punished or negatively treated because the employee engaged in legally protected activity, including initiating a complaint of discrimination or harassment, providing information or assisting in an investigation or refusing to follow orders that would result in

discrimination or harassment. Retaliation can result from employment action taken by a supervisor, office/department head or Elected Official or from acts of other employees.

Examples of conduct that might be considered retaliation for engaging in protected activity include assigning the employee to less desirable tasks or shifts in the office, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

F. RESPONSIBILITIES

1. Employee Responsibilities

Employees should report incidents of discrimination, harassment, sexual harassment, hostile work environment or retaliation as soon as possible after the occurrence. Reporting should be made to any of the following:

- Elected Official
- Supervisor
- Office/Department Head
- Human Resource Administrator
- Legal Counsel for the County

If the employee's supervisor is the subject of the incident, the employee should instead report the incident to one of the other listed officials. Reporting should be made regardless of whether the offensive act was committed by a supervisor, co-worker, vendor, visitor or customer.

2. Supervisor Responsibilities

All supervisors are expected to ensure that the work environment is free from unlawful discrimination, harassment, sexual harassment, retaliation or the development of a hostile work environment. They are responsible for the application and communication of this policy within their work areas. Supervisors should:

- Encourage employees to report any violations of this policy before the harassment becomes *severe or recurring*.
- Make sure the Human Resources Officer is made aware of any inappropriate behavior in the workplace.
- Create a work environment where sexual and other harassment, discrimination, or retaliation is not permitted.
- Correct any behaviors they observe that could constitute unlawful discrimination, harassment, sexual harassment or hostile work environment.
- Report any complaint of unlawful discrimination, harassment, sexual harassment, retaliation or hostile work environment to the Elected Official.

3. The County designates Supervisor's / Superintendent's, or his/her designee, as the Elected Official who will be responsible for directing the procedures of this policy. Employees may refer to **Appendix A** if they are unsure who his or her supervisor is.

G. PROCEDURE FOR REPORTING AND INVESTIGATING

The following steps must be followed to report and investigate incidents of unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment.

1. A person who believes employee has been unlawfully discriminated, harassed or retaliated against, or who observes or knows about behavior in the workplace that could be unlawful discrimination, harassment or retaliation, should report it to the Elected Official, his/her supervisor, office/department head, Elected Official, Human Resource Administrator or legal counsel for the County. The individual receiving the report must then forward it to the Elected Official. If the Elected Official is the subject of the complaint, the report must then be forwarded to legal counsel for the County.
2. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
3. The Elected Official should promptly review the complaint and consult with legal counsel for the County and the Human Resource Administrator.
4. In appropriate circumstances, the person who is alleged to have committed the offense may be placed on paid or unpaid administrative leave pending a resolution of the allegations.
5. The Elected Official, in consultation with legal counsel for the County, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
6. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
7. At the conclusion of the investigation, the investigator will submit a report of the findings to the Elected Official, who will then route it as appropriate.
8. The Elected Official and/or the appropriate supervisors and legal counsel for the County will meet separately with both the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
9. The complainant and the person alleged to have committed the offenses may submit written statements to the Elected Officials and/or supervisors challenging the factual basis of the findings. Unless circumstances prevent, the statement must be submitted no later than 5 working days after the meeting in which the findings of the investigation are discussed.
10. After the Elected Official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel for the County, a decision will be made as to what action, if any, should be taken by the Elected Official or department head.
11. At the conclusion of this complaint procedure, the complainant should be informed that appropriate action, if any, has been taken. Because disciplinary personnel matters are confidential, details of the specific discipline should not be shared with the complainant.

H. DISCIPLINARY ACTION

1. If it is determined that unlawful discrimination, harassment or retaliation has occurred, an appropriate course of action will be taken by the County. The action will depend on the following factors:
 - a. The severity, frequency and pervasiveness of the conduct;
 - b. The conduct of the respective employees;
 - c. Prior complaints made against the person alleged to have committed the offenses; and
 - d. The quality of the evidence (first-hand knowledge, credible corroboration etc.).
2. If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment or retaliation.

I. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The County's insurer may also be engaged to assist in all phases of any proceeding or investigation.

VI. GENERAL POLICIES

A. CASH HANDLING

It is important for you to report any form of currency received on behalf of the County. All money must be documented on a daily transmittal and deposits are taken to the Clerk's Office. At no time shall the money be left unattended, money should be placed in the department safe or cash register. Each department has their cash handling procedures to ensure the best practice for that department. Upon hire, employee will receive the policy.

B. ATTENDANCE AND PUNCTUALITY

It is important for you to report to work on time and to avoid unnecessary absences. The County recognizes that illness or other circumstances beyond your control may cause you to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action, up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on your co-workers and can have a negative impact on the success of the County.

You are expected to report to work when scheduled. Whenever you know in advance that you are going to be absent, you should notify your immediate supervisor or the designated manager. If your absence is unexpected, you should attempt to reach your immediate supervisor as soon as possible, but in no event later than one hour before you are due at work. In the event your immediate supervisor is unavailable, you must speak with your Elected Official or his/her designated representative. If you must leave a voicemail, you must provide a number where your supervisor may reach you if need be.

C. SUBSTANCE ABUSE

The County recognizes alcohol and drug abuse as potential health, safety and security problems. The County expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment, and violations of the policy may lead to discipline and/or discharge.

All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other intoxicants, as well as the misuse of prescription drugs on County premises or at any time and any place during working hours. While we cannot control your behavior off the premises on your own time, we certainly encourage you to behave responsibly and appropriately at all times. All employees are required to report to their jobs in appropriate mental and physical condition, ready to work.

Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. You may inform your immediate supervisor, Elected Official, or the Human Resources Office for assistance in seeking help, including possible coverage under the County's medical insurance plan, to address substance abuse.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the County.

D. RELATIONSHIP POLICY

Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such relationship bear a responsibility to the County to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

E. NO SMOKING POLICY

The County buildings and facilities are non-smoking in accordance with state and federal requirements. Use of tobacco products of any kind or e-cigarettes is not allowed within all indoor spaces of the County's buildings and facilities or in County vehicles. Smoking is only permitted outside of County buildings and facilities at least 50 feet away from entrances.

VII. EMPLOYEE DISCIPLINE

A. PERFORMANCE/DISCIPLINE FRAMEWORK

The following framework provides discipline options that may be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to change the at-will nature of the employee's employment or limit the reasons for which the employee may be disciplined, including termination of employment. Progressive steps may be implemented in order to encourage improved performance or attitude but are not required. The County may take any of the following disciplinary actions, or any other action, in any order when a supervisor deems an action or performance of the employee to be serious enough to warrant a certain discipline.

B. DISCIPLINARY ACTIONS AVAILABLE

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations or performance deficiencies:
 - a. Oral warning
 - b. Written warning or reprimand
 - c. Suspension with pay
 - d. Demotion
 - e. Dismissal
2. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.

C. OPPORTUNITY TO BE HEARD—NAME-CLEARING HEARING

1. All employees are at-will. However, an at-will public employee who is being terminated, or demoted with a reduction in pay, based upon allegations of *dishonesty, immorality or criminal misconduct* is constitutionally entitled to a name-clearing hearing when one is requested.
2. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.
3. Issues involving dishonesty, immorality or criminal misconduct are the only issues that will be heard in this procedure.
4. The procedure for the hearing is as follows:
 - a. Within 14 days of his/her termination or demotion, the employee may submit to the Board of County Commissioners a written request for a name-clearing hearing and state the basis for it.
 - b. A request for hearing will be denied if the employee misses the deadline for submittal of the request or does not state a valid reason. An employee will be notified if a requested hearing is either granted or denied.
 - c. An employee granted a hearing will meet with the Board of County Commissioners. The hearing will not exceed 1 hour in duration.
 - d. An audio recording of the hearing will be made and maintained as part of the personnel record.
 - e. The employee's supervisor may provide a brief written statement at least 24 hours prior to the hearing. The Board of County Commissioners may require the supervisor to participate in the hearing.
 - f. The employee will be provided an opportunity to present evidence upon which the claims are based.
 - g. The Board of County Commissioners may ask questions during this process.
 - h. The Idaho Rules of Evidence do not apply to this hearing.