

JANUARY 2021 TERM
CALDWELL, IDAHO JANUARY 4, 2021

PRESENT: Commissioner Pam White, Chair
Commissioner Tom Dale, Vice Chairman
Commissioner Leslie Van Beek
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Idaho Assoc. of Building Officials Inc. in the amount of \$1650.00 for Development Services Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Keri Smith, Commissioner, District 2

APPROVED KEY AND SECURITY ACCESS REQUEST FORM

- The Board approved key access form for Keri Smith, Commissioner District 2

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing resolution to grant a refund to Blue Raven Solar for withdrawn permit: Blue Raven Solar submitted for a building permit but the customer cancelled the project. Staff is recommending the building permit fee of \$318.00 be refunded.

Consider signing resolution to grant a refund to Shane Womack for withdrawn permit: The customer changed their mind and staff is recommending a refund of \$1640.00.

Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolutions issuing refunds to Blue Raven Solar (see resolution no. 21-001) and Shane Womack (see resolution no. 21-002).

The meeting concluded at 9:13 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER A HARDSHIP APPLICATION ON BEHALF OF MR. TURKISH

The Board met today at 9:30 a.m. to consider a hardship application on behalf of Christian Turkish. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy Assessor Joe Cox and Deputy Clerk Jenen Ross. Mr. Cox explained that Mr. Turkish is a veteran who qualified for the circuit breaker in 2019. For 2020 Mr. Turkish is confident he returned his application, but believes he returned it to the state although Mr. Cox said the state nor the Assessor's office has any record of the paperwork. In working with Mr. Turkish the Assessor's Office, in agreement with the Treasurer's Office, agreed to cancel \$1562.68 in taxes (total amount due was \$2062.68, Mr. Turkish paid \$500). Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to grant the cancellation of taxes for Christian Turkish. A copy of the paperwork is on file with this day's minutes.

The meeting concluded at 9:36 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 5, 2021

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$2388.00 for Facilities Department
- 1000 Bulbs in the amount of \$1453.75 for Facilities Department

APPROVED SEPTEMBER 2020 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of September 2020 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Dan Blocksom (left at 9:09 a.m.), PIO Joe Decker, EOM Christine Wendelsdorf, Director of Misdemeanor Probation Jeff Breach (left at 9:09 a.m.) and Deputy Clerk Jenen Ross. Deputy P.A. Brad Goodsell (left at 9:06 a.m.), Parks Director Nicki Schwend, Rachel Spacek with the Idaho Press (left at 9:06 a.m.), Treasurer Tracie Lloyd (left at 9:06 a.m.) participated via Webex. The action items were considered as follows:

Consider signing resolution rescinding resolution 20-177 transferring property to Caldwell Housing Authority: Mr. Goodsell explained that this resolution was previously signed, and the quitclaim deed was held until the end of January. This property has been redeemed so this resolution will rescind resolution no. 20-177 granting this property to the Caldwell Housing Authority. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution rescinding resolution 20-177 transferring property to the Caldwell Housing Authority (see resolution no. 21-003).

Consider signing resolution classifying records of Canyon County Misdemeanor Probation and authorizing destruction of closed offender supervision files: Director Breach explained this is something that is done every January. These files are from 2018 and haven't had any activity for a minimum of 2 years. These are the paper files, but a vast majority of the files are held electronically in Odyssey. Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to sign the resolution classifying records of Canyon County Misdemeanor Probation and authorizing destruction of closed offender supervision files (see resolution no. 20-024).

Consider signing Idaho State Historic Preservation Office Certified Local Government Subgrant Application FY2021 for the Rural Landscape & Agricultural Resources Survey – Phase 2 and

Consider signing Idaho State Historic Preservation Office Certified Local Government Subgrant Application FY2021 for the Map Rock National Register Sight Expansion:

Director Schwend spoke about each of the projects and answered questions regarding the projects posed by the Board. The Historic Preservation Commission grants funded each year by the County are used for the match amount. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign both the Idaho State Historic Preservation Office Certified Local Government Subgrant Application FY2021 for the Rural Landscape & Agricultural Resources Survey – Phase 2 and the Idaho State Historic Preservation Office Certified Local Government Subgrant Application FY2021 for the Map Rock National Register Sight Expansion. Both of these applications are on file with this day's minutes.

Consider extending the COVID-19 Emergency Declaration: Ms. Wendelsdorf explained we are currently in the vaccination stage of the COVID-19 emergency. By keeping the emergency declaration in place it allows the county access to federal funding. Mr. Laugheed feels that since the Governor has moved the state back to Stage 2 and Southwest District Health has kept the county in the red category the legal conditions for the emergency still exist for keeping the declaration in place. As a county we want to maintain access to resources and the ability to use county money without having to go thru a lengthy bid process which having this declaration in place allows the county to do. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the extension of the COVID-19 Emergency Declaration. A copy of the declaration is on file with this day's minutes. Discussion ensued regarding the vaccine and the rollout.

The meeting concluded at 9:47 a.m. An audio recording is on file in the Commissioners' Office.

ELECTED OFFICIALS MEETING TO DISCUSS COVID-RELATED ISSUES

The Board met today at 10:32 a.m. for an elected officials' meeting to discuss COVID-related issues. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Chief Civil Deputy P.A. Sam Laugheed, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Sheriff Kieran Donahue, HR Director Sue Baumgart, and Deputy Clerk Monica Reeves. Present via Webex: Assessor Stender, PIO Joe Decker and Rachel Spacek from the Idaho Press-Tribune. Sam Laugheed said the particular COVID-related issues have potential to bear on county liability that is financial and purely legal, it also has the potential to bear on named employees and so he recommended the discussion happen in executive session so that the parties can speak candidly and if we need to make a public record we can. No decisions will be made in executive session. He said this group has had discussion in the past about willingness and interest in executive sessions but he will leave it to the Board and comments from the elected officials. Commissioner Van Beek said there are emails that talk about the pros and cons and in addition to the financial and legal issues, there is also the component of how it will impact the taxpayer and she wants to "tee some of that up" in an open session before going into executive session. Sheriff Donahue prefers to discuss attorney-client privileged communication in executive session. Mr. Laugheed said there definitely are policy issues and financial issues that will have to be on the record, but he is concerned about having those discussions on the record without the benefit of the more confidential, legal liability issues because it would give the wrong impression and he doesn't want to put those legal issues on the record without the Board and the other elected officials fully understanding what they are because they could function as a road map to lawsuits against the County. Protecting the privacy of the named employees is a consideration but it's more the subsections of Idaho Code 74-206 (1)(d) and (i) that qualify the discussion for executive session (attorney-client communication, the risk management issues). There certainly is a public part and there is attorney-client involved so it's the Board's discretion based on input from the other elected officials about how to best get into it. Commissioner Dale agreed with Mr. Laugheed that the Board should enter into Executive Session.

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Dale made a motion to go into Executive Session at 10:39 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Dale, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Chief Civil Deputy P.A. Sam Laugheed, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Controller Zach Wagoner, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Sheriff Kieran Donahue, HR Director Sue Baumgart, and Deputy Clerk Monica Reeves. Assessor Brian Stender arrived at 10:40 a.m. The Executive Session concluded at 12:01 p.m. with no decision being called for in open session.

Commissioner White said the summary of the discussion is that Canyon County will continue to move forward with the mandated processes and conduct business as the citizens deserve and expect. The meeting concluded at 12:03 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

QUARTERLY MEETING WITH THE WEED & GOPHER SUPERINTENDENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER AN ACTION ITEM

The Board met today at 1:38 p.m. for a quarterly meeting with the Weed & Gopher Superintendent to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Deputy P.A. Dan Blocksom (left at 1:47 p.m.) and Deputy Clerk Jenen Ross. Weed and Gopher Superintendent AJ Mondor participated via Webex. The action item was considered as follows:

Consider signing a resolution declaring pocket gophers as agricultural pests: The Weed & Gopher department has been managing the pocket gophers this resolution just makes it official that the department will continue to control them. Additionally, it specifically spells out that gophers are the county's only pest. This change will have no impact or affect to the budget. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution declaring pocket gophers as agricultural pests (see resolution no. 21-004). Last year 51 owl boxes were put up with 10 still remaining to be put up. In total there are 351 owl boxes in Canyon County.

Discussion ensued regarding a new roof that was installed on the weed and pest building and questions were addressed regarding the cost. There was an error in budgeting for the roof but it

has been corrected by the Controller and there has been email communication with the Board approving the additional cost.

There is still an issue getting CenturyLink internet to their location which continues to be worked thru.

The meeting concluded at 1:58 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER AN ACTION ITEM

The Board met today at 2:00 p.m. to consider an action item. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek and Deputy Clerk Jenen Ross. Chief Public Defender Aaron Bazzoli and HR Generalist Demi Etheridge participated via Webex. The action item was considered as follows:

Consider signing resolution to adopt changes to the title, salary, FLSA designation, and job description of one (1) position in the Public Defender's Department: Mr. Bazzoli explained that he would like to create a social worker type position who can offer community resource guidance and help guide people in the right direction to obtain resources such as housing, counseling, drug and alcohol counseling and opportunities for community service hours. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to adopt changes to the title, salary, FLSA designation and job description of one (1) position in the Public Defender's department (see resolution no. 21-005).

The meeting concluded at 2:09 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 6, 2021

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek
 Deputy Clerk Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Motorola Solutions in the amount of \$12,658.20 for Juvenile Probation Department

APPROVED CLAIMS

- The Board has approved claims 570276 to 570289 in the amount of \$120,718.41
- The Board has approved claims 570217 to 570260 in the amount of \$71,206.03 **with the exception of Commissioner Van Beek does not approve JB's Roofing invoice (#4272) dated 12/15/20 which needs an accompanying PO.*

There were no meetings held today.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 7, 2021

PRESENT: Commissioner Pam White, Chair
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 570372 to 570372 in the amount of \$692.55

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- JB's Roofing in the amount of \$11,998.00 for Weed/Pest Department

FILE TREASURER'S REPORTS IN MINUTES

The Board filed the Treasurer's monthly report for October 2020

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:46 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-194, 2021-207, 2021-303, 2021-210, 2021-209, 2021-192, 2021-118 and 2021-193. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously approve case no. 2020-906 with a written decision to be issued within 30 days.

Liens were presented for Board signatures.

Case no. 2021-51 has been withdrawn by the hospital and does not meet the eligibility criteria for county assistance. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue a final denial on the case as read into the record.

Upon the motion of Commissioner Van Beek and second by Commissioner Dale the Board voted unanimously to continue case no. 2020-1069 to February 18, 2021.

Director Baker noted for the record that case no. 2020-1031 is currently on bankruptcy hold. Once the bankruptcy proceedings are complete the hospital will have the option to continue with the case. No Board action was necessary.

Commissioner Van Beek made a motion to issue a final denial on case no. 2020-1052. The motion was seconded by Commissioner Dale and carried unanimously.

The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:05 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared on case nos. 2020-1159, 2020-1072 and 2020-1104. Upon the motion of Commissioner Dale and second by Commissioner Van Beek the Board voted unanimously to issue denials with written decisions within 30 days on the cases as read into the record.

The meeting concluded at 9:07 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER DEVELOPMENT AGREEMENT AND ORDINANCE FOR THE ALVIN SCHNELL REZONE,
CASE NO. CR2020-0008

The Board met today at 11:04 a.m. to consider the development agreement and ordinance for the Alvin Schnell rezone request, Case No. CR2020-0008. Present were: Commissioners Pam White, Tom Dale and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. A public hearing was held on December 1, 2020 and the Board approved the request for a rezone and signed the Findings of Fact, Conclusions of Law, and Order, but because the property owners were out of the state the signing of the development agreement and the ordinance had to be postponed to a later date. Now that the applicants' signatures have been obtained, both documents are being presented to the Board for approval. Upon the motion of Commissioner Dale and the second by Commissioner Van Beek, the Board voted unanimously to approve the DA and ordinance for the Schell Rezone, Case No. CR2020-0008. (Agreement No. 21-001 and Ordinance No. 21-001.) The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE AMENDMENT AND SUMMARY TO THE CANYON COUNTY BUILDING
CODE ORDINANCE

The Board met today at 1:31 p.m. to consider signing the amendment and summary to the Canyon County Building Code Ordinance. Present were: Commissioners Pam White, Tom Dale, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Tricia Nilsson, Building Official Dave Curl, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. On December 17, 2020 the Commissioners White and Van Beek reviewed and approved the ordinance and summary. Zach Wesley said he had come in late and there were some changes to the ordinance that he wasn't aware of that weren't marked appropriately and so when they had the discussion they did not discuss those things that were not marked because he wasn't aware of them. When he realized that after the meeting he talked to Building Official Dave Curl and they came up with a simpler revision to the ordinance and that is what he presented today with the idea that the Board will adopt this version of the ordinance and it will be the official one going forward and will replace the prior version approved on December 17th. Mr. Wesley reviewed the latest revisions as follows: The Legislature is given power to the Idaho Building Code Board and semiannually they make revisions to the building code. Idaho Code Section 39-4116 makes it mandatory that the county adopt their revisions into our building code. For this cycle they have updated the versions of the International Building Code that are used in several instances and so they have required that the IBC move from the 2015 version to the 2018 version; that the International Residential Code move from the 2012 version to the 2018 version; as well as the adoption of Appendix R for tiny homes. They have mandated that the International Conservation Code move to the 2018 version and that the International Existing Building Code move from the 2015 version to the 2018 version. In addition to that there are revisions to the mechanical code and fuel gas code that came through that board as well but are mandatory and are adopted in this version of the ordinance based on the recommendation of the building

official. In this version of the ordinance the International Mechanical Code will move from the 2012 version to the 2018 version and the International Fuel Code will move from the 2012 version to the 2018 version. There is language in the ordinance that adopts the code changes that are mandatory in the International Building Codes by the Idaho Building Code Board so we just adopt them as one bulk instead of doing them individually. Beyond those revisions there are some simple changes that have been made such as changes to the way sections are named and references to code sections that are outdated. The only other change in Section 6 113 – amendments to the nationally recognized codes. According to Mr. Wesley, Building Official Dave Curl is recommending the Board adopt the change to the existing International Building Code and to delete Section 101.2 Scope. In the 2012 and 2015 versions the exception wasn't there. In 2018 they added the exception for the residences and what it states here; they would like to have more tools to go back to the way it was. They are deleting the exception. Dave Curl and Director Nilsson offered comments regarding the ordinance. Eric Arthur offered comments related to code enforcement issues. Staff responded to questions from the Board. Mr. Wesley requested a motion to adopt the revision to the ordinance and the summary noting that we will get rid of the December 17 action and replace it with this version of the ordinance. Commissioner Dale made a motion to adopt the ordinance amending Chapter 6, Article 1, Building Codes of the Canyon County Code of Ordinances and approve the summary of the ordinance as well. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Ordinance No. 21-002.)

The meeting concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 8, 2021

PRESENT: Commissioner Pam White, Chair – (present in the afternoon for 2 hours)
 Commissioner Tom Dale, Vice Chairman
 Commissioner Leslie Van Beek
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 570290 to 570339 in the amount of \$47,598.40
- The Board has approved claims 570340 to 570371 in the amount of \$37,115.41

There were no meetings held today.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 11, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 570426 to 570477 in the amount of \$14,840.46
- The Board has approved claims 570373 to 570425 in the amount of \$72,705.60
- The Board has approved claims 570478 to 570508 in the amount of \$228,430.53

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Curtis Blue Line in the amount of \$8,316.00 for Canyon County Sheriff

SWEARING-IN CEREMONY FOR NEWLY ELECTED AND RE-ELECTED OFFICIALS

A swearing-in ceremony took place this morning in the meeting room of the Canyon County Administration Building where the following County officials were sworn into office: Commissioner Keri Smith, Commissioner Leslie Van Beek, Prosecutor Bryan Taylor and Sheriff Kieran Donahue. Oaths of office were administered by Clerk Chris Yamamoto. Oaths of office are on file with this day's minute entry.

CONSIDER APPOINTING CHAIR AND VICE-CHAIR OF THE BOARD OF CANYON COUNTY COMMISSIONERS

The Board met today at 10:09 a.m. to consider appointing a Chair and Vice-Chair of the Board of Canyon County Commissioners. Present were: Commissioners Pam White, Leslie Van Beek, and Keri Smith, Clerk Chris Yamamoto and Deputy Clerk Monica Reeves. Present via Webex: IT Director Greg Rast, PIO Joe Decker, Michael Stowell, Tricia Nilsson, Sue Baumgart, Treasurer Tracie Lloyd, Diana Sinner, and Rachel Spacek from the Idaho Press-Tribune. Commissioners Van Beek and Smith were sworn into office this morning at 9:00 a.m., along with Prosecutor Bryan

Taylor and Sheriff Kieran Donahue. Commissioner Van Beek made a motion to elect Keri Smith as Chair of the Board of Commissioners and Leslie Van Beek as Vice-Chair of the Board of Commissioners. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion. The motion carried by a two-to-one split vote with Commissioner White voting against the motion. Commissioner Van Beek wants to have a Board discussion on the following topics: pay codes for COVID-19; meeting schedule for department administrators; updates to the personnel manual. Further discussion will take place at 11:00 a.m.

The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS UPCOMING BOARD AGENDA ITEMS

The Board met today at 11:03 a.m. to discuss upcoming agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Commissioner Pam White arrived at 11:08 a.m. Present via Webex: Fair Director Diana Sinner, HR Director Sue Baumgart, DSD Director Tricia Nilsson, Michael Stowell and Steve Blados from the Ambulance District, Treasurer Tracie Lloyd, and other call-in users. Today's meeting included the following topics:

COVID pay code:

Commissioner Van Beek said at last week's elected officials' meeting it was proposed that the County continue funding COVID pay for employees who get sick after December 31 (the termination of the federal deadline). She has questions about the proposal and whether there is the potential for federal funding coming the end of March. Clerk Yamamoto said if they were going to extend the program it would have been done prior to the December 31 deadline. It requires a substantial amount of work for audit staff and others to track it so it was their decision to suspend the COVID code. Commissioner Van Beek referenced data she received from the Controller for accumulated sick leave and vacation balances, and noted that as of December 31, there are 134,912 hours in sick leave and 105,873 hours in vacation hours. She has concerns with extending the pay code. Clerk Yamamoto said we have heard from two offices that if we do away with any COVID-type pay (in other words, tell people to use sick or vacation) it would potentially cause extreme situations in their offices and he can see that to a limited degree. They have a huge constraint in that they cannot overspend their budget on the A side. Commissioner White said if it's not broken we do not need to fix it; we should make adjustments and we keep it flexible. Commissioner Smith said maybe we should move forward with payroll today with the protections for the people who have experienced COVID but explore options and come up with another plan. Controller Wagoner said in response to federal action providing leave for COVID-related reasons, the County created two new pay codes: COVID-19 AND FFCRA. They were tracked and there was some reimbursement received based on payments made under those pay codes. There is a tremendous amount of behind-the-scenes programming to set up those pay codes as well as back-and-forth communication between the payroll team, elected officials and department administrators. The legislation that led to the creation of the pay codes expired December 31, 2020 and it's his belief those codes, as of January 1st, are no

longer applicable. There are other options. We have a pay code for paid administrative leave and additionally you would have the option to put a note associated with that pay code. Commissioner Van Beek prefers to do it on the backend to see who gets it, who needs it, and continue to try and operate so we mirror what is happening in the private sector. The other way feels like a class distinction where we are protecting people that work here. We want services to go forward, but we've made it through a difficult time and gone forward even with people contracting the virus and coming back. Commissioner White said the elected officials expressed their concerns and we have to be careful about not having two standards where some employees were able to use the pay code but others weren't able to because they missed the deadline. Commissioner Smith said COVID is not going away and so at a certain point she can see where the federal funding stopped and if we do continue it for a period that expectation of being County funded is being set, whereas if we were able to draw the line in the sand and understand that COVID isn't going away and we set an expectation for personal hygiene and cleanliness and to keep your peers safe by staying home when you're sick. Commissioner Van Beek said if people are working effectively at home why are we making a proposal to extend the deadline when they're already working at home and would be sick at home? Commissioner Smith wants to move forward with the paid administrative leave for this pay period for people with COVID-related out of office. Controller Wagoner said they will prepare the time sheets and payroll with that direction and then the payroll will come to the Board for approval. It will identify in the notes that it's paid administrative leave with COVID. Commissioner Smith wants to continue the discussion with the elected officials on Wednesday afternoon. Commissioner White said the Board oversees the budget, but it does not overreach into other offices. Clerk Yamamoto said departments are under the Board and it is their responsibility to see how that is managed. The main discussion is what kind of uniformity do we have? He said it's impossible to give dollar figures on this because there is no way to determine how this is going to go. We have budgets to live within and offices and departments need to pay close attention and figure out what they are doing. If we make the rules too hard and fast and we try to do too many things he can see where we could be tweaking the program right up and until it doesn't matter anymore. Commissioner Van Beek asked about the larger offices having access to funds from the A budget via unfunded positions. Clerk Yamamoto said that's an area we don't want to see where you rob Peter to pay Paul; we don't know how bad this will get. If we have a spike what do we do, put our heads together and figure it out. We have to live with this one way or the other and if we are going to live in fear and it guides our judgement about how we spend tax dollars then we should "fold up the tent right now." We need to get back to some normalcy with some provisions that help keep the doors open. Commissioner Van Beek said there was a letter generated as a proposal that would go to department administrators and she would like HR Director Baumgart to send that again for Board review so we can get a message out on what has been decided. Commissioner Smith said the message today is that for this payroll alone we are going to do paid administrative leave with coding that is related back to COVID pay and we'll meet together again on a solution for moving forward. It's her understanding there are no over-budget concerns from the elected officials.

Purchase orders:

Commissioner Van Beek requested that purchase orders (PO) include a checkbox that would say funded or unfunded or budgeted/unbudgeted. Commissioner Smith said it would be a quick way for the Board to examine each PO and quickly see if something is funded and it could be the indicator to ensure the purchase has been considered. Controller Wagoner said PO's are required for items with an initial cost greater than \$1,000 and that have an expected life greater than one year. He said there does not appear to be a consistent denial or approval approach from the Board when it comes to the PO's that are above specific individual line items. For example, a PO was submitted recently for the weed/pest control department roof project that was over what was budgeted and the PO was approved. There were PO's for the landfill that were over what was budgeted and they were denied. In both instances there was a meeting to discuss the circumstances. The landfill budgeted \$20,000 for some technology equipment in their new machine to help ensure the safety and security of the operator and to make sure trash is being compacted and moved appropriately. They thought they could get a bargain price on a certain machine but after trying out the equipment they wanted to go a different direction and the actual price was \$28,000. The PO was approved by the Board with a two-to-one split vote. Clerk Yamamoto said that would be one of the double standards they see with this Board, and it appears to him that it depends on who you are on what is approved and what is not approved. He said they have little to no problem with the offices; the problems they encounter come from departments, and with respect to the PO that was alluded to, the Auditor's Office never saw it and that is an issue. The department in question went around the Auditor's Office and came to the Board directly and gained approval via email. It was in two different fiscal years budgetarily and it was more and a different commodity than what was in the budget. Commissioner Smith said we should implement some type of standard operating procedures for that and she asked if the Clerk and Controller are willing to work with the Board to put together some standards beyond the criteria of \$1,000 and the greater than one-year expected life criteria, such as, this is what is required, and this is what we want included and if you are outside of the budget here is the process. Controller Wagoner said there are individual line items identified in the budget and it is permissible to go over budget on a line item as long as you are under the total. It's not necessarily simple or straightforward, there are nuances to it. He is open to an evaluation of the process, but we need input from a lot of parties to refining a purchasing policy, but it needs to be a team effort of what makes sense for each entity. Commissioner Smith said we will get the right people around the table and come up with a plan for bringing it back. (Clerk Yamamoto and Controller Wagoner left at 11:46 a.m.)

Miscellaneous items:

Commissioner Van Beek proposed that tomorrow's meeting with department administrators (DA's) be a meet and greet for Commissioner Smith and try to keep it as a time for networking, an exchange of ideas where DA's can mentor each other talk about topics such as how to fill out a PO; onboarding for new DA's; and interact with other DA's. She sees it as doing a deeper dive relationally than what they get at the monthly DA meetings. She requests a monthly meeting for a time of refreshment and to pick one topic of discussion. Commissioner Smith said there is value if they are constructive and if information is being shared that is constructive and if it brings value.

Commissioner White said she wants to continue serving on the Treasure Valley Partnership board. It was decided there will be a weekly meeting for Commissioners to provide general updates on committee/agency meetings they attend. Commissioner Van Beek said she wants to meet every day for a general discussion about projects. Commissioner Smith said the City of Caldwell has a general counsel comments section and perhaps the Board could do a general commissioner section where give general comments are given at 9:00 a.m. The Commissioners will meet soon to discuss appointments/reappointments to the various board and committees they serve on.

The meeting concluded at 11:59 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 12, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- D&B in the amount of \$12,374.25 for Solid Waste Department
- Pacific Steel & Recycling in the amount of \$15,049.00 for Solid Waste Department

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter arrived at 9:11 a.m., Parks Director Nicki Schwend left at 9:13 a.m., Director of Indigent Services Yvonne Baker left at 9:05 a.m. and Deputy Clerk Jenen Ross. Via Webex: Deputy P.A. Brad Goodsell, PIO Joe Decker joined at 9:10 a.m. and left at 9:19 a.m. , Chris Smith joined at 9:11 a.m. and left at 9:15 a.m. the Action items were considered as follows:

Consider signing a resolution classifying records of the Canyon County Clerk and authorizing the destruction of indigent files and records: This is something that happens regularly and Mr. Laugheed said the resolution has been reviewed by legal. Director Baker explained these files are from 2015 but also include all indigent files that were originally maintained in the Commissioners' Office, all of which are store electronically and are duplicate records. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the destruction of Indigent files and records (see resolution no. 21-006).

Consider signing services agreement with Macy Vlcek for Canyon County Celebration Park East End Archeological Resources Survey: This consultant agreement is to do survey work for the East End RV project at Celebration Park. The work will be funded thru a grant with Idaho Parks RV fund. Director Schwend provided a background packet to the Board which is on record with this day's minutes. The decision was made to hire an outside archaeologist to make sure there is no perception of internal bias. At the request of Commissioner Van Beek, a review of the budget was done which is also outlined within the provided packet. Mr. Wesley said this the standard consultant agreement although the insurance requirements have been removed but given the nature of the project that is reasonable. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the services agreement with Macy Vlcek for Canyon County Celebration Park East End Archeological Resources Survey (see agreement no. 21- 002).

As part of the legal staff update Mr. Laugheed introduced the legal staff to the Board and provided information in which Offices, departments and areas they each generally cover.

Commissioner Van Beek asked if the legal team could answer questions regarding an email that was received from Beth Ineck. Due to attorney-client communication it was suggested that the Board adjourn into executive session.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:19 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Mike Porter and Deputy Clerk Jenen Ross. Deputy P.A. Brad Goodsell participated via Webex. The Executive Session concluded at 10:06 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner White made a motion to continue the legal staff update to 11:00 today. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 10:06 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MONTHLY MEETING WITH ALL DEPARTMENT HEADS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:10 a.m. for a monthly meeting with all department heads to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Juvenile Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Director of DSD Tricia Nilsson, Parks Director Nicki Schwend, Facilities Director Paul Navarro, PIO Joe Decker, IT Director Greg Rast, Director of Juvenile Detention Sean Brown, HR Director Sue Baumgart, EOM Christine Wendelsdorf arrived at 10:55 a.m. and Deputy Clerk Jenen Ross. Chief Public Defender Aaron Bazzoli, Weed and Gopher Superintendent AJ Mondor, Landfill Director David Loper, Fair Director Diana Sinner, CCAD Director Michael Stowell, Fleet Director Mark Tolman participated via Webex.

Commissioner Smith opened the meeting by introducing herself and giving her background to all the department administrators. Commissioner Van Beek spoke about some of her goals in moving forward with the new Board. Commissioner White said she would like to hear about some of the projects in each department and what the number one need is. At the request of the Board each department administrator spoke about the top couple of needs within their department this year. Commissioner Smith asked that each Director send an email to the Board letting them know whether their current update meeting schedule works or if they feel they need to meet more frequently. Additionally, she let the Directors know that when sending an email she prefers the subject line to include 'action, advice or information' so that it's clear what they're looking for. Discussion ensued regarding departments operating within COVID safe guidelines and getting each office back to being open all the time. Mr. Decker said he would forward each of the Directors' COVID plans that were developed in the spring to the Board. Commissioner Van Beek said she would forward the draft of the Directors' handbook to everyone for review so it can be discussed at an upcoming meeting. Emergency Operations Manager Christine Wendelsdorf provided a brief update on vaccinations and PPE. The meeting concluded at 10:58 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Note for the record: As properly noticed the Board met today at 11:04 a.m. for a continued legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 11:05 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Keri Smith and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, EOM Christine Wendelsdorf, Controller Zach Wagoner, PIO Joe Decker and Deputy Clerk Jenen Ross. The Executive Session concluded at 12:02 p.m. with no decision being called for in open session.

At the conclusion of the executive session there was discussion regarding an email received from a community member wanting to hunt geese on county-owned property on Pond Lane. Mr. Laugheed said the recommendation is to not allow hunting on county property, it is public property but it is not held out to the public for any use they may come up with. Although there is protection in Idaho Code for recreational activity that property is not maintained and having citizens on it while carrying firearms could potentially expose the county to issues. Signage for the property is being worked on along with communication back to the citizen requesting permission to hunt.

The meeting concluded at 12:04 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

CONSIDER A REFUND RESOLUTION FOR RIDGELINE VISTAS AND A FINAL PLAT FOR PELICAN SUBDIVISION

The Board met today at 2:31 p.m. to consider a refund resolution for Ridgeline Vistas, LLC, and a final plat for Pelican Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, the applicant's representative, and Deputy Clerk Monica Reeves. The items were considered as follows:

Refund resolution for Ridgeline Vistas, LLC – The DSD Director is recommending a refund in the amount of \$2,500 to Todd Lakey on behalf of Ridgeline Vistas, LLC, who originally submitted a comprehensive plan amendment to change a property from agriculture to residential, and a conditional rezone. In reviewing the comprehensive plan amendment with the site plan it will have to be platted at some future time and so it was determined they do not need to apply for the amendment. The hearing has not been noticed nor has staff spent time on it the Director is recommending a full refund of \$2,500 be issued. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to issue a refund to Todd Lakey on behalf of Ridgeline Vistas, LLC for a comprehensive plan amendment in the amount of \$2,500 as per the presentation by DSD Director Nilsson. (See Resolution No. 21-007.)

Final plat for Pelican Subdivision - Dan Lister stated that all conditions of the preliminary plat have been met and the necessary signature have been obtained on the final plat. Following

comments/questions from the Board, Commissioner White made a motion to sign the final plat for Pelican Subdivision, Case No. SD2019-0014, the motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 2:38 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – SHORT PLAT FOR GOFF SUBDIVISION, CASE NO. SD2020-0028

The Board met today at 3:00 p.m. to conduct a public hearing in the matter of a request by Roger and Donna Goff for short plat approval of Goff Subdivision, Case No. SD2020-0028. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, Brad Goff, and Deputy Clerk Monica Reeves. Dan Lister requested the matter be tabled due to a letter received from the City of Caldwell stating they will not sign the plat unless the Board waives the road frontage improvements including stubbing to each site. County code for the area of city impact in Caldwell has a procedure for waiving the requirements, however, there is a 30-day noticing requirement and it has to go to the P&Z Commission for approval. Commissioner Smith asked if this can be a learning opportunity to always include the subdivision waivers in those notice requirements if we know the city won't approve them. Director Nilsson said they always do with the City of Nampa, but this was the first time with the City of Caldwell and we cannot get out of the box with them because their staff does not believe they have the ability to entertain the waivers. Dan Lister said the new notice will be for the amendment to show the waiver as part of this decision. It will be brought back as one and the matter will have to go back to the P&Z Commission and the Board for another hearing. Commissioner Smith disclosed that she has a personal family relationship with the Goff family and she testified on their behalf at a hearing, but she has received no economic benefit from that, and she is able to render an unbiased decision in this case. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to table this matter to a date to be specified pending re-noticing.

The meeting concluded at 3:12 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 13, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2108

- The Board of Commissioners approved payment of County claims in the amount of \$1,810,811.29 for a County payroll.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$1,360.00 for Facilities Department
- W2 Commercial Flooring in the amount of \$2,022.12 for Solid Waste Department
- Intermountain Wood Products in the amount of \$1,306.49 for Solid Waste Department

PUBLIC HEARING – REQUEST BY MARK AND TAMMY SATTERWHITE FOR A CONDITIONAL REZONE, CASE NO. CR2020-0010

The Board met today at 10:32 a.m. to conduct a public hearing in the matter of a request by Mark and Tammy Satterwhite for a conditional rezone, Case No. CR2020-0010. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister, Jace Evans, Mike Perkins, Tammy Satterwhite, and Tenaya Loening. Dan Lister gave the oral staff report. The applicant is seeking a conditional rezone from Agricultural to Conditional Rezone – Rural Residential. The applicant has included a development agreement that limits residential development to no more than three new properties. This portion already has a house and accessory structure and is served by Hill Road. The rest of the property is bare agricultural ground and they want to split it for family members. The sizing proposed would allow for agricultural uses as well as qualifying for an agricultural exemption. They are proposing that the lots do not have a secondary dwelling and they will be limited to a one-acre building envelope. Ultimately it preserves 40 acres of farmland while allowing the additional dwellings. There is a 6-foot easement that is shared by the Murrell Subdivision, which this lot is located within, so three of the lots will use the existing shared access and the portion that already has a house would be continue using Hill Road where it cul-de-sacs. A portion of Murrell Subdivision was approved for a comprehensive plan map amendment and rezone to a rural residential zone but this property was not part of that decision, probably because they wanted to maintain the agricultural uses that would be allowed in an agricultural zone. The applicant will meet a 5.01 acre lot size on each of the properties. Mr. Lister gave a review of the agency comments and requirements, as well as comments from the neighbors. Staff is recommending approval subject to the development agreement. The applicant will have to go through the platting process, and the division of the parcels cannot exceed what they are asking for; any further divisions would require a subsequent comprehensive plan amendment, rezone and platting application. Secondary dwellings will be prohibited on Lots 1, 2, & 3. This is not included on Lot 4 because it's still a large agricultural piece. They have agreed to a one-acre building envelope on Lots 1, 2, & 3

where a residence and accessory structures would be located. There will be a 4.2 acre building envelope along Hill Road where structures will be located for residential uses. Following his report Mr. Lister and Director Nilsson responded to questions from the Board regarding design, frontage, shared access, and the road users' maintenance agreement.

Tenaya Loening, who is the daughter of Tammy Satterwhite, testified in support of the request and spoke about access used for farming equipment and the plan for irrigation which depends on where they put their houses. They are only seeking 5-acre lots and they will keep the larger portion, the more productive land open and it will be irrigated along with the pastures. The Board had questions about frontage, access, the easement, an amended road users' maintenance agreement, irrigation, and minimum lot sizes. There was discussion regarding the comprehensive plan policies. Commissioner Smith has concerns about the letter from attorney Mark Hilty stating they do not have the right to use the road for residential use. She questions if legal access for the subject property exists, or will it exist at the time of development. She wants to know that the easement is modified for those three parcels. Dan Lister said the 60-foot access is a legal shared access approved by the Murrell Subdivision and it did provide access to that larger lot. Director Nilsson said the Board recognized the easement when Murrell Subdivision was approved so in terms of the finding the property does have access. Commissioner Smith asked the applicants if they would be opposed to a condition that would increase the parcel so it incorporated all of the land to the southwestern property line so there's not a dead irrigation area on the bottom. Ms. Loening said the lots were drawn as a basic idea so if there is tweaking or better suggestions on how to do it she is totally open to that. Tammy Satterwhite testified the pivot line is going to be removed. She has no objection to saying the 16 acres will be devoted to the three residential parcels and all of the land to the north will have an agricultural restriction. Her intent for the rezone is for it to be a place for her children to raise their families. She also stated engineers will design the irrigation system. Jace Evans and Mike Perkins indicated they are in support of the request but did not offer testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner White said she is in favor of the rezone. Commissioner Smith said agricultural policies and residential policies do not support approval of the request, and she doesn't know that there are conditions that give us the standards to have this community design that protects agriculture. She is not opposed to delaying this and letting the applicants consider a new plan that shows how they are going to protect it through an agricultural irrigation plan. She would also like large lot sizes that are commensurate with the other lot sizes in the area. Commissioner Van Beek said she appreciates the comprehensive look at using the goals and policies of the comprehensive plan. Director Nilsson said if you believe this is not consistent with the comprehensive plan then it's a denial. We have to look at all of the policies with the plan, is there general conformance and consistency. The question is will these three additional home sites be detrimental to agricultural, or are there additional conditions to mitigate. The other option is to deny it and say it's not consistent with the comprehensive plan; you can modify or add conditions contained in the draft development agreement. How much cost does the Board want the applicant to incur in an entitlement decision versus a platting decision? If we are going to redesign what was noticed to the public, then we will have to re-notice the next hearing. Commissioner White said what the applicants

want to do is preserve 40 acres of the 49.82 acres for agriculture. They are working to fit into the area and they are trying to be good neighbors. Commissioner Van Beek made a motion to reopen public testimony to discover additional information. The motion was seconded by Commissioner White and carried unanimously. Tammy Satterwhite testified they have owned the property for two years and they lease the farm. She has spoken the farmer who will take over the operations of the 30+ acres and he supports her plan. Commissioner Smith said the Kramers, who farm, are concerned about not people not understanding ditches and the impacts to farming. Commissioner Van Beek had questions about the access on Hill Road extending south to north to the building envelope. If it is moved down and consolidated they could potentially preserve additional farm ground. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. The Board's deliberation resumed. Commissioner Van Beek sees merits in the arguments for private property rights and the concerns for the surrounding area. It doesn't sound like the applicant would be opposed to working out some of those agreement issues on the easement portion of that would give access and then coming back with a conceptual site plan that would give the Board greater comfort regarding that flagged area. She is not opposed but there are some unanswered questions about the easement. Commissioner Smith does not support this request as it is currently presented. She would like to see a modified site plan showing they collaborated with the farmer and have a plan for irrigation that shows they are protecting agriculture and that the lot sizes are larger and more similar to the land surrounding it. Director Nilsson said it sounds like there could be conditions, perhaps performance standards to have the preliminary plat show either a percentage or a minimum acreage devoted to agriculture that is also represented in the irrigation plan. You want to have a good plan for agriculture of some minimum acres then let them figure out where the houses should go with the cluster or size of the properties. It keeps it simple and it gives the applicant enough guidance to prepare the preliminary plat and incur those expenses and work with their engineer who's going to design the access, irrigation, etc. She said if the Board wants to give staff guidance they can prepare a draft development agreement and can continue this hearing. Mr. Lister said based on the Chair's suggestion to come up with a plan for irrigation and the preservation of agriculture as well as larger lot sizes going all the way down to the southwest as originally shown which would be more commensurate with the surrounding lot sizes, maybe we should work with the applicant and come back with a modified plan and add the conditions for agriculture irrigation and the preservation plan that has to be submitted as part of the preliminary plat. Commissioner Smith would appreciate having the condition that would allow the Board, at the preliminary plat phase, to make sure the agricultural component for preservation is included as a condition and that it's planned out. Mr. Lister said they also mentioned they may be interested in having livestock on the property so that plan would show how they are going to grow crops or what the livestock farming would look like. Commissioner Smith's concern is that all 40 acres have water because she doesn't know how they are going to irrigate that flag. Director Nilsson said she is reluctant to prescribe lot sizes and things that should be at the result of their engineering and that more detailed work because that can inhibit the creativity. Let the lot lines be where the lot lines need to be where if the houses are placed so they don't interfere with agriculture that would give the Board what it wants to see when reviewing the preliminary plat and it would give the applicant the direction without them incurring a lot of cost prior to a

rezone decision. Commissioner Van Beek said if there is a way to mitigate she is okay with that and if the proposal would take care of the concerns that have been expressed for agriculture and future development she is okay with that. Commissioner Smith noted the conclusions state that no mitigation is proposed at this time, but with this action the Board is essentially saying mitigation needs to happen. Director Nilsson said mitigation is typically some site characteristic in how the applicant is specifically mitigating it. We are talking general land use design, if you were going to say the homes would have to be so many feet away from the neighbors' agricultural land that is more of a mitigating thing. Commissioner Smith said there needs to be correction because the findings say there were no comments received from neighbors, but that's not true. At least one person sent a letter stating it would change the character of the area and she was trying to help by saying we recognize that but we are placing some requirements to help mitigate that concern. Director Nilsson said one thing that hampers us is we get to lot size versus density because that's what our code is: lot size. You change the character by density, how many homes within a square mile. It's a mixed bag out here because of the splits. Commissioner Smith wants staff to hear the comments today and come back. She also wants them to look at Section C and Section D of the FCO's and bring back a revised document with revised conditions that meet the Board's concerns. If the applicant would like to revise the site plan and confer with their farmer that would be evidence she would like to accept into the record showing that. Commissioner White asked if she wants 7-acre lots instead of 5-acre lots. Commissioner Smith said she would be open to the applicants coming back with a proposal that meets that. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to allow staff to revise the FCO's and modify conditions of approval in the development agreement based on today's deliberation and to continue this hearing to Wednesday, January 27, 2021 at 9:00 a.m.

The hearing concluded at 12:21 p.m. An audio recording is on file in the Commissioners' Office.

ELECTED OFFICIALS' MEETING TO DISCUSS COVID RELATED ISSUES

The Board met today at 1:32 p.m. with Elected Officials to discuss COVID related issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Assessor Brian Stender, Controller Zach Wagoner, HR Director Sue Baumgart and Deputy Clerk Jenen Ross. One call-in user participated via Webex and left at 2:02 p.m. Commissioner Smith explained there was a Board discussion earlier in the week about payroll and pay codes in relation to COVID with the federal funding expiring on December 31st. She feels COVID is not going away and wondered how the county normalizes and moves forward. Commissioner Smith said she met with Sheriff Donahue recently and her understanding of his stance is that he doesn't feel it's fair to take away how employees have been treated over the last year compared to this year. In her opinion the line was drawn in the sand on December 31st when the federal government decided not to continue the funding. Commissioner Van Beek feels the normalization factor is the right thing to do, she agrees this isn't going away. The last report she looked at from SWDH indicated that although the numbers are increasing hospitalization rates are going down. Commissioner Smith asked about the

mounting sick and vacation hours. She thought perhaps the use of administrative leave pay code could be helpful for the interim when an employee is sent home with COVID symptoms and awaiting test results. Clerk Yamamoto believes a solution is trying to be crafted for a non-existent problem. He feels that everyone has managed their office and situation thus far and need to continue on that course. He said that if employees are loyal and do their job they'll be taken care of and that situations can be handled on a case by case basis. Canyon County was not harmed during COVID and there are enough CARES funds available if there was need for a contingency plan. Controller Wagoner gave a breakdown of the most recent payroll numbers as follows: 66,000 hours were paid out, of those, 24 were FFCRA (employees taking care of someone with COVID), 154 were COVID pay (employee with COVID) and 100 were paid administrative leave – the total of 278 hours is less than .05% of the total payroll.

In response to Commissioner Van Beek's question about COVID funds still being available, Mr. Wagoner spoke about how the original allocation of \$5.6M was used and discussion ensued regarding those funds. He explained that the county is in a healthy position and has the funds, budget and cash available to roll forward with county business, there is no one size fits all solution, but the county has resources available to handle situations on a case-by-case basis. The COVID specific pay codes were created for federal legislation and that has expired so it is no longer applicable.

Discussion ensued regarding the best way to move forward. The Clerk said the county has managed well thru COVID and can continue to do so. The general consensus of the elected officials is that each situation will be evaluated on a case-by-case basis but that if an employee is asked to go home because they are showing symptoms they will be placed on administrative leave until test results are received. If negative, the employee will return to work, if positive the employee will need to start using sick and/or vacation hours. If sick/vacation is not available each Elected Official will handle the situation as they see best for their Office. The Board will make sure their department administrators understand how to handle these situations.

Commissioner Van Beek requested a quarterly report showing the breakdown of how hours were paid out.

The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS APPOINTING COMMISSIONERS TO BOARD AND COMMITTEES

The Board met today at 3:00 p.m. to discuss appointments to various boards and committees the Commissioners serve on. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Sr. Administrative Specialist Terri Salisbury, Deputy Clerk Jenen Ross, and Deputy Clerk Monica Reeves. Present via Webex: Joe Decker, Treasurer Tracie Lloyd, and Rachel Spacek from the Idaho Press-Tribune. Following discussion it was decided the Commissioners will serve on the following boards/committees:

Commissioner Smith’s appointments:

Magistrates Commission
Southwest District Health Board
Joint Behavioral Health
Western Alliance for Economic Development
COMPASS Board (all 3 Commissioners serve on this board)

Commissioner White’s appointments:

Area 3 AAA Senior Services
COMPASS Finance Committee
Treasure Valley Partnership
COMPASS Board (all 3 Commissioners serve on this board)

Commissioner Van Beek’s appointments:

Children’s Mental Health
Metro Community Services
Valley Regional Transit Executive/Regular Board (requires another primary representative; DSD Director serves as an alternate but one more alternate is needed)
COMPASS Board (all 3 Commissioners serve on this board)

The Board requires more information before decided which Commissioner will serve on the COMPASS Executive Board and the WICAP Board.

The meeting concluded at 3:22 p.m. An audio recording is on file in the Commissioners’ Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 14, 2021

PRESENT: Commissioner Keri Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 570576 to 570618 in the amount of \$42,819.32
- The Board has approved claims 570509 to 570575 in the amount of \$11,870.66

MEETING TO CONSIDER INDIGENT MATTERS

The Board met today at 8:45 a.m. to consider matter related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2021-216, 2021-218, 2021-212, 2021-305 and 2021-217. Commissioner White made a motion to issue initial denials with written decision within 30 days. A vote was taken on the motion with the Board voting unanimously to issue initial denials on the cases as read into the record. The meeting concluded at 8:46 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, Assessor Brian Stender, Deputy P.A. Dan Blocksom, GIS Land Records Supervisor Sarah Sluss and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing legal notice for public hearing regarding a proposed resolution setting fees for Canyon County Assessor services: Mr. Blocksom said that the Assessor's Office would like to set some fees by resolution. When fees have not been set before or there is an increase of 5% or more a public notice needs to be provided. This notice will run twice in the Idaho Press, one week apart and then a public hearing will be held on February 4, 2021 to take comment on the proposed resolution. The resolution and fee schedule have been provided to the Board previously, they are equal to or less than the costs incurred by the Assessor's Office. Ms. Sluss spoke about how the fee schedule was established. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the legal notice for public hearing regarding a proposed resolution setting fees for Canyon County Assessor services.

Commissioner White made a motion to continue legal staff to 10:15 a.m. today. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 9:16 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY ROBERT AND LYNNETTE JENSEN FOR A REZONE FROM AN “A” (AGRICULTURAL) ZONE TO AN “R-R” (RURAL RESIDENTIAL) ZONE

The Board met today at 10:04 a.m. to conduct a public hearing in the matter of a request by Robert and Lynette Jensen for a rezone from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone, Case No. RZ2020-0016. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Present via

Webex: DSD Planner Dan Lister and Lynnette Jensen. Dan Lister gave the oral staff report. The property consists of 5.46 acres and is currently zoned agricultural and is adjacent to the Middleton city limits. There are 29 subdivisions within the area with an average lot size of 1.81 acres. The applicant is seeking one division and it will have an average lot size of 2.73 acres which will be commensurate with the lot size in the vicinity. This property was approved through a land division in 1999 where a 60-foot easement was established for access to the property. After approval they will have to go through the land division process and at that point they will have to apply for private road requirements and ultimately amend the road users' maintenance agreement. Mr. Lister reviewed agency comments. Staff is recommending approval. Lynette Jensen testified she has talked to the City of Middleton and the highway district about the road and they are aware of the changes they need to do to split the land. The city has not asked them to annex their property. Mr. Lister said that's likely because there are no services available to the lot at this time. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to close public testimony. Commissioner Van Beek said the area is clearly zoned for residential on the comprehensive map and she supports the request. Commissioner White supports it as well. Commissioner Smith is also in support with the following changes being noted in the findings of fact, conclusions of law and order (FCO's): a misspelling needs to be corrected in Section B, and in Section H she would like it reworded to state "no comments were received regarding impacts on essential services." Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the request by Robert and Lynette Jensen for a rezone for Case No. RZ2020-0016 and to approve the FCO's with the recommended changes as well as the ordinance. (See Ordinance No. 21-003.)

The hearing concluded at 10:20 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – PERSONNEL MATTER REGARDING NAMED PERSONNEL, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 10:28 a.m. for a continued legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 10:29 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Keri Smith and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. Carl Ericson with ICRMP participated in the executive session from 11:02 a.m. to 11:41 a.m.

The Executive Session concluded at 12:27 p.m. with no decision being called for in open session.

ELECTED OFFICIALS' MEETING REGARDING COVID-19 UPDATES

The Board met today at 1:35 p.m. for an elected officials' meeting to regarding COVID-19 updates. Present were: Commissioners Keri Smith and Leslie Van Beek, Sheriff Kieran Donahue, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, EOM Christine Wendelsdorf, SWDH Director Nikki Zogg, Judge VanderVelde, Judge Bever and Assessor Brian Stender. Via Skype: Commissioner Pam White, Steve Blados with Canyon County Paramedics, Mayor Debbie Kling, Director of Canyon County Ambulance District Michael Stowell, Kirk Carpenter with the City of Nampa and Deputy Clerk Jenen Ross.

The meeting took place in the administration building and was chaired by Sheriff Donahue.

Topics of discussion included the following:

- Polling locations for the March election
- Update on the vaccination rollout distribution
- Canyon County is still in the red category but the positivity rate is going down
- Updates from each Elected Official on their Offices and departments
- Judicial is operating remotely for what can be handled but jury trials are still on hold

At 2:52 p.m. Clerk Yamamoto made a motion to adjourn the meeting and was seconded by Commissioner Van Beek. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANURAY 15, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Rocky Mountain Steel in the amount of \$1800.00 for Facilities Department

CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR DECEMBER 2020

The Board met today 8:45 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for December 2020. Present were: Commissioners Pam White and Leslie Van Beek, Treasurer Tracie Lloyd and Deputy Clerk Jenen Ross. Treasurer Lloyd explained most of the adjustments are to add homeowner exemptions that have been found as administrative errors and adjustments to penalties and interest. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for December 2020.

The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH DIRECTOR OF DEVELOPMENT SERVICES FOR TRAINING ON LOCAL LAND USE PLANNING ACT TOPICS AND CONSIDER AN ACTION ITEM

The Board met today at 9:31 a.m. with the Director of Development Services for training on local land use planning act topics and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. DSD Planner participated via Webex from 9:31 a.m. to 9:44 a.m.

Prior to any discussion items happening Commissioner Van Beek made a motion to amend the agenda to include the discussion of recent land use complaints. The motion was seconded by Commissioner White and carried unanimously.

Consider signing FY2021 Master Agreement for professional engineering and surveying services between Canyon County and B & A Engineers, Inc.: Director Nilsson spoke about how on one particular plat review case there was a conflict of interest with the other engineering firms already used so B&A Engineers, Inc. will be used for that case. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FY2021 Master Agreement for professional engineering and surveying services between Canyon County and B & A Engineers, Inc. (see agreement no. 21-003).

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: As properly noticed the Board met today at 9:31 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:44 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Tricia Nilsson and Deputy Clerk Jenen Ross. The Executive Session concluded at 10:40 a.m. with no decision being called for in open session.

At the conclusion of the executive session the Board resumed the meeting to discuss local land use planning act topics as follows:

- Reasons for land use planning
- Relationship between city and county planning
- Planning and Zoning Board, bylaws, records, noticing, stipends
- Conflicts of interest pertaining to both the P&Z Board and the Board of Commissioners
- Judicial review requested by the P&Z Board
- Training for planning
- Requirements for planning
- Tourism
- Housing issues
- Rezone vs. conditional rezone

The meeting was for informational purposes only. No Board action was necessary or taken. The meeting concluded at 11:47 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 19, 2021

PRESENT: Commissioner Keri Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 570619 to 570658 in the amount of \$58,658.81

- The Board has approved claims 570531 to 570574 in the amount of \$86,572.90
- The Board has approved claims 570659 to 570704 in the amount of \$55,063.24
- The Board has approved claims 570805 to 570843 in the amount of \$1,567,315.66

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell (left at 10:07 a.m.), Deputy P.A. Mike Porter, Deputy P.A. Zach Wesley (arrived at 9:06 a.m.), Assessor Brian Stender (left at 10:07 a.m.), Chief Deputy Assessor Joe Cox, Controller Zach Wagoner (left at 9:16 a.m.), Facilities Director Paul Navarro (left at 9:25 a.m.), Julie Ambeau and Amanda Fraley with CCSO (left at 9:09 a.m.) and Deputy Clerk Jenen Ross. Director Nicki Schwend and Laura Barbour with Parks, Larry Stevenson, Michael Nicholson and Peter Crossett participated via Webex. The action items were considered as follows:

Consider signing a Resolution Classifying Records of the Canyon County Sheriff's Office and Authorizing the Destruction of Certain Records: The request is to destroy digital copies of public records requests from 2018 and prior, most of which are partially retained in the Spillman system. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution classifying records of the Canyon County Sheriff's Office and authorizing the destruction of certain records (see resolution no. 21-008).

Consider signing Edward Byrne Memorial Justice Assistance Grant Program Waiver of Pass-Through Percentage letter: Mr. Laugheed explained that Mr. Blocksom (who is no longer with the county) confirmed with Chief Dashiell and Controller Wagoner that the county is not eligible for any of these grants. Mr. Laugheed read some of the details of the letter into the record. Mr. Wagoner explained these are federal monies passed thru the State to be divided up. Monies were originally allocated to local entities but they were not used and the time has expired to use/apply for them and are now available to community partners. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign a letter to Julie Brotzman at the Idaho State Police notifying her of the county's position regarding the pass-through percentage of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. A copy of the letter is on file with this day's minutes.

Consider signing Declaration and Notice of Sole Source Procurement for public works construction from Precision Grading & Excavation for Celebration Park East End RV Improvement: Mr. Wesley explained the county received grant funding from the RV grant fund thru the state parks department. After a failed extensive search one agency was identified as able to complete the work without the extensive design work but procurement would need to change to sole source. Sole source could be deemed reasonable as the county conducted a search but it was

unsuccessful and deadlines are approaching to use the grant money. In order to move forward with the sole source a notice would be signed today and then published in the Idaho Press. On February 9th they will come back before the Board to have a formal hearing to take any potential objections and address any questions. If there are no objections the county will be able to move forward in signing a contract and begin work. Directors Navarro and Schwend provided a history of the project and some of the issues they've faced. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the declaration and notice of sole source procurement for public works construction from Precision Grading & Excavation for Celebration Park East End RV Improvement.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:26 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Brad Goodsell, Deputy P.A. Zach Wesley and Deputy P.A. Mike Porter.

The Executive Session concluded at 10:04 a.m. with no decision being called for in open session.

At the conclusion of the executive session the following action item was considered:

Consider signing Settlement Agreement between Twin Islands, LLC, the Canyon County Assessor, and the Canyon County Board of County Commissioners: Commissioner Smith said that during the executive session the Board heard from the legal team and understands the terms of the settlement. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the settlement agreement between Twin Islands, LLC, the Canyon County Assessor and the Canyon County Board of Commissioners (see agreement no. 21-004).

Commissioner White made a motion to continue the legal staff update to 2:00 today. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTORS OF JUVENILE PROBATION AND MISDEMEANOR PROBATION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:15 a.m. for a monthly meeting with the Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Juvenile Detention Field Training Officer Alan Oates, Chief Juvenile Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Controller Zach Wagoner (left at 10:26 a.m.) and Deputy Clerk Jenen Ross.

Juvenile Probation:

- Ms. Catalano spoke about the revised Idaho Juvenile Justice Commission Sub-Grant Project Award Agreement. The original grant was due to expire in September of 2020 but due to COVID and lack of usage has been extended to September 2021. The grant that was signed last year has been updated with some additional information.
- Commissioner Van Beek requested Ms. Catalano put numbers together for the DocuSign system. A quote from DocuSign was presented to the Board. Ms. Catalano has indicated that IT is in favor of the program and believes it would be a better fit to purchase vs. having IT design a program. Commissioner Smith would like to see an agenda meeting to further discuss the DocuSign program.

Misdemeanor Probation:

- Update to Odyssey is happening today which is making logging in difficult.
- 2020 Offender numbers and community service reports were provided to the Board. A copy of the document is on file with this day's minutes.
- Discussion ensued regarding vests for probation officers and cameras for an exterior door and a hallway.

The meeting concluded at 10:42 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTOR OF JUVENILE DETENTION TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:42 a.m. for a monthly meeting with the Director of Juvenile Detention to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Juvenile Detention Sean Brown, Juvenile Detention Field Training Officer Alan Oates and Deputy Clerk Jenen Ross. The following items were discussed:

- Over the last month they have had up to 28 juveniles in custody and currently there are 18 as follows: 8 from Canyon County, 3 from Payette County, 1 from Gem County, 1 from Washington County and 5 from the Department of Juvenile Corrections.

- A new group will be coming in to provide a program to the boys called “Wise Guys”. It is provided by Advocates Against Family Violence and gives a review of male responsibilities and addresses such things as violence, unplanned pregnancy and STIs.
- One juvenile is working to complete the GED program.
- Director Brown has been working with EOM Christine Wendelsdorf to get some L and XL gloves along with some masks.
- One open full time position has been filled.
- Mr. Oates will be retiring the end of next month but there is a succession plan in place. He spoke about some of the things he’s accomplished in his time with Juvenile Detention.

The meeting concluded at 10:50 a.m. An audio recording is on file in the Commissioners’ Office.

MONTHLY MEETING WITH FLEET DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:51 a.m. for a monthly meeting with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fleet Director Mark Tolman, Assistant Fleet Director Dawn Pence and Deputy Clerk Jenen Ross. Discussion items were as follows:

- Org chart of the Fleet department was provided to the Board
- First round of FY2021 vehicles are starting to roll thru; there will be some purchase orders for vehicles coming before the Board soon. Director Tolman spoke about the purchase/bid process for vehicles. A rank system was provided to the Board and asked for each members’ thought on the ranking/importance
- Discussion ensued regarding budget, purchasing power and funds broken out to different offices/departments for vehicle purchasing. Further discussion ensued regarding trade-in vs. auction of vehicles
- Take home vehicle forms and vehicle use forms
- Substance testing if there is an incident in a county vehicle; there is no standardized policy among Board departments

The meeting concluded at 11:37 a.m. An audio recording is on file in the Commissioners’ Office.

MEETING WITH THE COUNTY AGENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:31 p.m. with the County Agent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Jerry Neufeld, Carrie Johnson, Jackie Amende and Debbie Lowber for the County Agent’s office participated via Webex.

Mr. Neufeld said they are continuing with winter programming within the parameters of COVID safety protocols. Gatherings are limited to 10 based on instruction from U of I management. He commended county facilities staff of the great service they continue to receive.

Ms. Johnson spoke about the new 4-H year which started October 1st. She spoke about youth who've been placed into clubs, volunteers, the livestock auction and her involvement with programming in area schools.

Ms. Amende explained that she primarily works with health and wellness programs and gave an update on the programs she works with.

Mr. Neufeld invited the Board to tour their office whenever they'd like and spoke about some of the other programs in their office such as the Master Gardener program and the 'Living on the Land' class.

The meeting concluded at 1:59 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUE PUBLIC HEARING - REQUEST BY LEE FAMILY TRUST FOR PRELIMINARY PLAT APPROVAL FOR SOLITUDE CREEK SUBDIVISION, CASE NO. SD2020-0016

The Board met today at 2:01 p.m. to go on the record to continue the public hearing in the matter of a request by Lee Family Trust for approval of the preliminary plat for Solitude Creek Subdivision, Case No. SD2020-0016. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. DSD Planner Jennifer Almeida participated via Webex. Ms. Almeida stated the applicant is trying to obtain a letter of approval from the highway district prior to the Board's hearing and they need a little more time. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to February 2, 2021 at 9:00 a.m. The meeting concluded at 2:03 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUED LEGAL STAFF UPDATE - EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

The legal staff update held earlier today was continued to 2:00 p.m. this afternoon. An Executive Session was held as follows:

Commissioner Van Beek made a motion to go into Executive Session at 2:04 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (i) to discuss named personnel, records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by

Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Civil Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Mike Porter, and Deputy Clerk Monica Reeves.

The Executive Session concluded at 2:45 p.m. with no decision being called for in open session.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 3:00 p.m. to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida, TJ Wellard (left at 3:05 p.m.), Representatives for Purple Sage Estates Subdivision, Tyler Hess (via Webex) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Wild Rose Property Owner Association is requesting approval of a Final Plat for Wild Rose Ranchettes; Case No. SD2020-0031: Jennifer Almeida gave a brief summary of the final plat stating that the property is zoned R-1, single family residential. The plat contains one residential lot and one common lot. The common lot is considered the open space and contains the community well for the subdivision. The residential lot has frontage on Wild Rose Lane which is a public road. Individual septic system and well will be utilized for the residence that will be built on the site. Ms. Almeida provided a history of the case noting that the applicant received approval of a rezone on lot 8, block 1 of Wild Rose Ranchettes on January 23, 2020. The lot was originally platted as a natural area for honors use in 1974 which was prior to any zoning ordinance in Canyon County. Due to the cost of maintaining the natural area the HOA decided to attempt to re-designate the residential lot and applied for a rezone. A minor replat and amendment was approved by the Director on October 13, 2020, since that time the applicant obtained all required signatures on the plat mylar. There are no subdivision improvements for this development. Keller and Associates has reviewed the final plat and recommends it be approved. Staff is also recommending approval of the final plat and that the Board sign the final plat mylar. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the final plat for Wild Rose Ranchettes.

A request by Tyler Hess, Hess Properties, LLC. for approval of a Final Plat for Purple Sage Estates Subdivision No. 4; Case No. SD2020-0033: Jennifer Almeida said the subject property is zoned R-1. This subdivision contains 24 residential lots and 1 common lot. Internal public roads will be used within the project as well as individual septic systems and domestic wells. Pressurized irrigation will be provided to the residential lots. The preliminary plat for this subdivision was approved by the Board on May 26, 2020 where the Board assigned 9 conditions of approval which are attached to the summary as exhibit A. All conditions have been met and Ms. Almeida gave a brief summary of how each condition was met. Keller and Associates has reviewed the final plat and recommends it be approved. Staff is also recommending approval of the final plat

and that the Board sign the plat mylar. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the final plat

The meeting concluded at 3:10 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 20, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

ABSENT: Commissioner Leslie Van Beek, Vice Chairman – *Attending BSU leadership class*

No meetings were held this day.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 21, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

ABSENT: Commissioner Leslie Van Beek, Vice Chairman – *Attending BSU leadership class*

APPROVED CLAIMS

- The Board has approved claims 570869 to 570870 in the amount of \$16,370.00
- The Board has approved claims 570705 to 570754 in the amount of \$60,326.24
- The Board has approved claims 570844 to 570853 in the amount of \$11,830.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pro Vision in the amount of \$1,050.00 for Canyon County Sheriff
- OWC in the amount of \$1,249.90 for Canyon County Sheriff
- Life Loc in the amount of \$7,967.70 for Canyon County Sheriff
- Banducci Meditation in the amount of \$3,600.00 for Development Services Department

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:57 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross. The following cases do not meet the eligibility criteria for county assistance: 2021-0244, 2021-0265, 2021-256, 2021-307 and 2021-266 and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials on the cases as read into the record with written decisions within 30 days. Liens were presented for Board signatures.

The meeting concluded at 8:58 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY MATTERS

The Board met today at 9:02 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Zach Wesley, Director of Indigent Services Yvonne Baker, Case manager Jenniffer Odom and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicant appeared for case no. 2021-6. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue a final denial with a written decision within 30 days.

Commissioner White made a motion to issue final denials with written decisions within 30 days on case nos. 2020-1148 and 2021-74. The motion was seconded by Commissioner Smith and carried unanimously.

Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to continue the following cases: Case no. 2020-1158 continued to March 11, 2021, Case no. 2020-1081 continued to March 11, 2021 and Case no. 2021-9 continue to April 8, 2021

The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Pam White, Chief Deputy P.A. Sam Laugheed, Assessor Brian Stender and Deputy Clerk Jenen Ross. Rachel Spacek with the Idaho Press attended via Webex. The action item was considered as follows:

Consider signing a legal notice for public hearing regarding a proposed resolution increasing DMV administrative fees for the Canyon County Assessor's Office: Assessor Stender reviewed the Explanation of Proposed DMV Administrative fee document that was provided to the Board which outlines fees and revenue under the current and proposed fees, anticipated additional costs, and difference between anticipated revenue and cost. Mr. Laugheed said that the fees have to be reasonably related to the service provided but not exceed them. Bottom line is that the county is growing fast and additional staff is necessary. Mr. Laugheed said there is no legal reason not to sign the notice. A public hearing will take place on February 9th. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the legal notice for public hearing regarding a proposed resolution increasing DMV Administrative fees for the Canyon County Assessor's Office. A copy of the notice and the document provided by Assessor Stender are on file with this day's minutes. The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 22, 2021

PRESENT: Commissioner Keri Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Andrew R. McClelland, Permit Tech 1

MEETING WITH JUDGE CLARK FOR AN UPDATE ON EVICTION COURT

The Board met today at 9:33 a.m. for a meeting with Judge Clark for an update on eviction court. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, ADJ George Southworth, Judge Susan Clark, TCA Doug Tyler, Assistant TCA Benita Miller, and Deputy Clerk Monica Reeves. On July 14, 2020 Judge Clark met with the Board and proposed establishing an

unlawful detainer court, and today she addressed the growing number of eviction cases that are being caused by the pandemic and the progress being made in establishing the program. Judge Clark explained that most unlawful detainer cases involve the tenant who fails to pay rent and refuses to leave the property and the landlord then has to take legal action to obtain the judgment for eviction and restitution. After getting the judgment the landlord oftentimes has to ask the Sheriff to enforce and then remove the people from the property, which includes additional costs to the landlord. The unlawful detainer precedents do not award the landlord the back rent that is owed, the landlord then has to bring a second small claims action to collect that. For the renter's part, they have a judgment on their record which can make renting in the future very difficult. Judge Clark proposes to the parties in unlawful detainer cases with the opportunity to mediate their case first, which would allow the landlord to obtain an agreement with the tenant to obtain some of the back paid rent and get the tenant off the property without damage and the use of the Sheriff. For the tenant it would allow them to leave the property without the judgment against them. In July 2020, Judge Clark agreed to take all of the unlawful cases that were filed in Canyon County and the goal was to get the program up and running by October 2020. It took time to get the agreement between the TCA, the Controller and the mediation coordinator to be crafted. Carol Bark has agreed to assist on a contract basis, and she brought with her a team of mediators. There is the potential that a second mediator will at some point replace Ms. Bark at a lower rate. On November 11, 2020, Judge Clark held the first court session and every Tuesday thereafter for eight weeks. Each week the mediators came to the sessions and helped resolve cases. Of the 40+ unlawful cases that were filed 38 were scheduled for hearings, in each of the cases all of the parties agreed to try mediation first. The total cost for all the mediations was approximately \$4,800 between November 10 and December 29, 2020. With the help of mediators 76% of the 38 cases were resolved without having to go to trial. The agreements usually included the tenant paying some amount of money within a specified amount of time. If they upheld their end of the agreement at the end of the specified time they did not have a judgment on their record. In the event the tenant did not uphold their part of the agreement then the judgment of eviction was automatically upheld and the landlord would still get their restitution. Of the 76% that reached a resolution, 18% did not uphold their part of the agreement, in those cases an eviction was issued. 21% of the cases did not mediate at all because the responders did not show up and they simply allowed it to go to default. 5% did not reach a resolution from mediation; one case went to trial and a judgment of eviction was issued. The other is set for jury trial and is quite complicated and appropriate for a jury trial. Commissioner Smith asked with no jury trials at this time, is the landlord stuck. Judge Clark said yes, unless the landlord is able to take other avenues. Commissioner Van Beek asked if COVID funding is still available to help with the program. Per Judge Clark's understanding the funding expired on December 31st. Commissioner Van Beek wanted to know if there is any collaboration between the county and the court system that is now being administer by the IHFA or are there other organizations that are available to help with funding. In answering Commissioner Van Beek's concerns about funding, Judge Clark provided information about Jessie Tree which provides funding to tenants who are behind on their rent if they meet certain criteria. Commissioner Van Beek addressed TCA Tyler on what the cost to the county will be going forward. TCA Tyler spoke about the CARES Act funding that expired and he spoke about avenues he is looking at for funding. He will look for a budget line item and come with a proposal that

makes sense from the taxpayers' standpoint. Commissioner Smith wanted to know how the growing numbers of evictions compare to prior years. Assistant TCA Benita Miller said when she ran numbers for last July they were looking at 32 eviction cases a year and based on yesterday's numbers they're at 63. She attributes it to COVID with people losing jobs. Commissioner Smith said there was a lot of job loss early last year and our current unemployment rate is 5% so people should be back to work in our area, which she would hope bring the evictions back down. TCA Tyler provided additional information about the funding offered by Jessie Tree, it is similar to rental relief. Commissioner Smith is in favor of keeping the program going. Judge Southworth said the courts will work on getting more information. According to TCA Tyler, there will be no additional increase in court staff as a result of this program. No Board action was required or taken.

The meeting concluded at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO RECEIVE AND REVIEW QUARTERLY JAIL INSPECTION REPORT

The Board met today at 10:04 a.m. to receive and review the quarterly jail inspection report. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Captain Harold Patchett, Lt. Dale Stafford, Lt. Martin Flores, and Deputy Clerk Monica Reeves. The Board reviewed the responses to the questions on the inspection form. Due to COVID-19 the Board has not been touring the jail in person so it meets with jail staff to review the inspection report form each quarter. Captain Patchett and staff spoke about jail transports and population as well as the plans for ADS to be on site to complete repair work in Pod 6. Commissioner White recently toured the facility and she noticed a strong stench in Pod 6. Captain Patchett said ADS will likely address that issue when they are on site. Staff also responded to questions from the Board. Captain Patchett reported on the strict COVID screening procedure jail staff follows. Commissioners Smith and Van Beek are both interested in touring the jail and participating in simulator training.

The meeting concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FY2020 INDIGENT DEFENSE FINANCIAL ASSISTANCE EXPENDITURE REPORT

The Board met today at 10:30 a.m. to consider signing the FY2020 Indigent Defense Financial Assistance Expenditure Report. Present were: Commissioner Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Chief Public Defender Aaron Bazzoli (who participated via Webex), and Deputy Clerk Monica Reeves. Aaron Bazzoli said presented the Board with new forms from the Public Defense Commission (PDC) in which they ask how the County is spending the grant funds and the workload compliance funds. He and the Controller reviewed back to 2017 when the grant money was initially received where five new employees were hired at that time and the \$376,000 grant was used to offset a great deal of the cost of the five new attorneys. The funding has grown and continues to go for the funding of those five positions.

He received approximately \$113,000 for workload compliance assistance and that has gone to hiring a new position last fiscal year and he will have to do another form at the end of the other fiscal year as well as in March again. There was discussion regarding the PDC rules. The chief public defenders' overall stance on the proposed rules is they are not opposed to standards and rules but some of the rules are taking away a lot of the independent consideration of the defense bar, the Idaho state bar, the chief public defenders' and the Board's authority and investing some of that authority in the PDC executive director. Commissioner Van Beek had questions about grant funding as well as the E-Defender program. Mr. Bazzoli said he has been looking at options for a database management resources computer program before the deciding if he wants to commit \$100,000 to another company for E-Defender. He wants to make sure they have a system with the best options (least expensive and most efficient) that works best with our IT program. Zach Wagoner said the County has established a separate and unique accounting entity specifically for public defense services so when we receive monies from the PDC they are deposited into this entity and every penny of those monies is fully utilized every year. In prior years there was public defense spending in other budgets but with Mr. Bazzoli's cooperation it worked and now we have a full accurate picture of the cost of public defense in Canyon County. Mr. Bazzoli said taxpayers are still covering costs, but he spends the grant funds first to make sure the cost of public defense is offset completely by the state. Commissioner Van Beek made a motion to sign the Fiscal Year 2020 Indigent Defense Financial Assistance Expenditure Report as presented by the Auditor and the Public Defender in the amount of just over \$650,000. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 10:46 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING CONFIRMATION APPOINTMENTS TO THE SOUTHWEST DISTRICT HEALTH BOARD

The Board met today at 11:00 a.m. to consider confirming appointments for newly appointed Canyon County and Washington County representatives on the Southwest District Board of Health. Present were: Commissioners Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Each were appointed by their respective Boards of Commissioners to serve the remainder of their current representative's five-year term on the Board of Health, which will expire on June 30, 2025. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to confirm the appointments as follows:

Canyon County Commissioner Keri Smith
Washington County Commissioner Lyndon Haines
Copies of the signed ballots are on file with this day's minute entry.

The meeting concluded at 11:02 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 25, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 570854 to 570868 in the amount of \$9,011.00
- The Board has approved claims 570755 to 570804 in the amount of \$24,212.83

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$7,443.00 for Information Technology Department
- Dell, INC in the amount of \$10,770.90 for Information Technology Department
- Campbell Tractor Co. in the amount of \$2,020.00 for Fleet Department
- Mtn. Home Auto Ranch in the amount of \$35,951.00 for Fleet Department
- Mtn. Home Auto Ranch in the amount of \$32,065.00 for Fleet Department
- Mtn. Home Auto Ranch in the amount of \$38,501.00 for Fleet Department
- Mtn. Home Auto Ranch in the amount of \$29,382.00 for Fleet Department

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:33 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Admin. Specialist Terri Salisbury, and Deputy Clerks Jenen Ross and Monica Reeves. There was discussion regarding office operating procedures for meeting requests and a review of appointments to the various boards and committees the Commissioners serve on. A review of the calendar noted some scheduling conflicts so adjustments were made as follows:

- Commissioner White will serve on the Western Alliance for Economic Development and the Metro Community Services Board.
- Commissioners Van Beek and White will serve as primary members on the Valley Regional Transit Board/Executive Board. (They will alternate attendance between the two). DSD Director Tricia Nilsson and DSD Planner Kate Dahl will serve as alternates on the VRT Board.

- Commissioner Van Beek will serve on the SWDH subcommittees for behavioral health and children’s mental health.

There was also discussion regarding a citizen’s request to meet with the Board. Staff will follow up with the person and request additional information as to the meeting topic.

Commissioner Smith suggested the Board set aside time once a month to conduct a community input meeting where citizens can speak with the Board. The meeting time will be limited to 30 minutes. Commissioner Van Beek likes the idea. Commissioner Smith will visit with the PA’s Office on how to manage that.

Commissioner Van Beek requested a meeting be scheduled with department heads regarding the COVID pay codes. Discussion ensued. The Board will discuss the COVID pay code issue as well as a property acquisition item with legal counsel at tomorrow’s legal staff update. In addition to the COVID pay code issue, the Board wants to discuss other items with legal counsel.

The Board continued reviewing this week’s schedule with staff.

The meeting concluded at 9:27 a.m. An audio recording is on file in the Commissioners’ Office.

CONSIDER SIGNING THE HARMONY ACRES FINAL PLAT, CASE NO. SD2020-0017

The Board met today at 9:45 a.m. to consider the final plat for Harmony Acres, Case No. SD2020-0017. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, TJ Wellard, other interested citizens, and Deputy Clerk Monica Reeves. Dan Lister reported that the necessary signatures have been obtained and the final plat is ready for the Board’s approval. Following review Commissioner White made a motion to sign the final plat for Harmony Acre. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 9:49 a.m. An audio recording is on file in the Commissioners’ Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY DIAMOND W. DEVELOPMENT, LLC FOR A PRELIMINARY PLAT, DRAINAGE & GRADING PLAN FOR WYATT'S HOLLOW SUBDIVISION, CASE NO. SD2019-0039

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Diamond W. Development, LLC, for preliminary plat and a drainage and grading plan for Wyatt’s Hollow Subdivision, Case No. SD2019-0039. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Jennifer Almeida, Stephanie Hopkins, Matt Weston, and Rory

Hendricks. Jennifer Almeida gave the oral staff report. Phase 1 of Wyatt's Hollow Subdivision was approved and recorded in 2014. Because the final plat for Phase 2 was not submitted within the two-year requirement the applicant had to obtain approval of the preliminary plat again from the P&Z Commission and the Board. The subject property is zoned rural residential. Phases 2 and 3 will contain a total of 23 residential lots on approximately 59 acres. Keller and Associates recommended the plat be approved and their conditions have been added as recommended conditions of approval with the exception of condition No. 1 which has already been corrected on the plat. Staff recommends approval subject to the conditions of approval. The Board reviewed the proposed conditions and suggested modifications. There was discussion regarding Condition No. 8 which references compliance with the Middleton Fire District. Commissioner Smith does not want to impose the condition which states: *"The plat shall comply with the requirements of the Middleton Fire District. If the developer cannot meet the minimum fire flow/duration requirement, all homes within the subdivision shall be equipped with fire sprinklers and said fire sprinkler requirement shall also be noted on the preliminary plat and final plat for the development."* Commissioner Van Beek objects to the condition being included in future staff report requiring the flow or that houses be equipped with sprinkler protection systems individually given there is no ordinance for it. There was also discussion regarding the extension of Kingsbury Road and highway district requirements as well as the letter from Clayton Cramer regarding downward facing lights. The Board has follow-up questions for staff. Stephanie Hopkins testified on behalf of the project developer and said what is being presented is what was approved in 2013. They want to renew their preliminary plat to construct the second phase which didn't come in within the two-year time period. The first phase is two acres with 13 lots and the second phase is comprised of 59 acres with 22 residential lots and 1 common lot. Quail Hollow Drive is going to be extended to the subdivision as a public street. They are proposing a private street, Holiday Lane, to serve four lots. The highway district has asked them to submit a variance request for that which they have done. The project will be served by individual septic systems and wells and pressurized irrigation will be provided via a well according to DEQ and SWDH requirements. The fire sprinklers were a condition of approval of the previous preliminary plat and a lot of their design is a carryover of that original design and they kept it as a requirement. She does not know if the developer has a preference either way but she can look into it further if the Board desires. For the extension of Kingsbury Road they are required to dedicate the 50-foot right-of-way with the last phase of development to the highway district. Commissioner Smith said if the developers want to leave the fire sprinklers as an agreement with their purchasers that's one thing but she does not want the Board to mandate it on the plat. Commissioner Van Beek agreed. The Board had follow-up questions for Ms. Hopkins regarding topography, hillside development, and fire mitigation measures. Jennifer Almeida spoke of how hillside requirements have been met at the platting stage and when we use building envelopes it's not so much to comply with the hillside ordinance; many times applicants try to demonstrate they are not interfering with the hillside so they show the pads in that regard. It's not a requirement to show the building pads. It's easier for the applicants to submit a grading plan with their building permit. Rory Hendricks offered neutral testimony in the form of the following questions: What will the impact be on water table with the addition of these wells, and will his existing well be deep enough or is the water table going to get lower? Are there any plans for an additional route out of this development? Will the developer

construct the swale or barrow ditches at the east side of his property that adjoins Quail Hollow? Stephanie Hopkins testified the developers will construct barrow ditches on their property, but not on Mr. Hendricks' property. They are constructing Quail Hollow within the limits of the subject property, and all improvements will be made within the limits of the subject property. She does not know the well information offhand but she will ask the engineer. She referred to a hydrology report from 2013 and spoke of how they will coordinate with Southwest District Health on the wells they will construct. Regarding the question about an additional route out of the subdivision, Ms. Hopkins said she does not have the specifics as far as timing but Canyon Highway District is working through the specifics. It might take a while to accomplish which could be why the fire sprinklers were required. There was Board discussion about wanting more information on the extension of Kingsbury Road. Director Nilsson said there has been a lot of activity by other jurisdictions with regard to the extension of Kingsbury Road but she does not know the latest status of it. She suggested the Board give staff amended conditions once the hearing is closed and they will bring back revised findings with those conditions. Commissioner White had questions for staff regarding fire sprinklers being required in order to aid suppression efforts. Director Nilsson said it's a jurisdictional issue and the fire district has their own authorities for enforcing what they have adopted. The County has not adopted the fire code and since we don't have an MOU or joint powers agreement we are not required to include their requirements in our decisions. We don't have anything that binds our decisions together. Director Nilsson will prepare draft language for the Board's review which includes perhaps a requirement that the applicant file a fire protection plan as part of their CC&R's with the fire district. She will also check on the status of Kingsbury Road and who will be expected to pay for those improvements. Commissioner Van Beek made a motion to continue the hearing for Wyatt's Hollow Subdivision to Friday, January 29th at 9:30 a.m. in support of a request for additional information. The motion was seconded by Commissioner White and carried unanimously. Staff will bring back revised findings of fact, conclusions of law, and order for the Board to consider which will be reflective of today's discussion. Public testimony will be left open.

The hearing concluded at 11:11 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY KNIFE RIVER TO MODIFY THE DEVELOPMENT AGREEMENT #19-076, CASE NO. DA2020-0002

The Board met today at 1:30 p.m. to conduct a public hearing in the matter of a request by Knife River to modify Development Agreement #19-076 associated with Case No. RZ2018-0028. The case number for today's hearing is Case No. DA2020-0002. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, Deputy PA Zach Wesley, Jim Trull from Knife River, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister and Arline Devlin. Dan Lister gave the oral staff report. Knife River is requesting to modify their approved development agreement which was approved in association with the previous rezone. The location is Parcel R30866; however, the rezone incorporated two parcels. The request is to modify Condition #3 and the conceptual plan associated with it. This was originally approved from an agricultural zone to an M-1 light industrial zone. Due to concerns by the City

of Caldwell, the City of Nampa, and nearby developers the applicant agreed to a development agreement that incorporated Nampa's landscaping and performance measures, restricted mineral extraction and batch plant uses, and proposed a landscaped berm on the subject parcel. In 2019 the rezone was approved with the development agreement that came with landscaping measures that met City of Nampa's performance measures and the landscape berm subject to a conceptual plan. They had to get a landscape architect to develop the landscaping plan. The landscaping plan was approved by DSD on August 14, 2019 and it was brought before the Board for the addition of fencing on the berm and it was found to be in substantial compliance with the conceptual plan. In the landscaping plan they have proposed turf-like grass and along the berms outside the green area was supposed to be rock mulching. In February/March, staff alerted the applicant that based on the review it was not consistent with the landscaping plan. In September of 2020 staff did a site visit which demonstrated it was not in compliance with the landscaping plan approved by DSD and a subsequent notice of violation was sent. In response to that the applicant submitted a request to modify the conceptual plan to match their revised landscaping plan. The biggest change is the green area at the front entrance which will include a thin area at the front for ornamental grasses. The other change deals with the type of rock which is like cobble rocks where it covers more area and is easier to maintain. It is not in compliance with the conceptual plan that was approved as part of the rezone application, however, staff does recommend the Board approve the request because it does not change the review of the rezone application in the sense of why this was proposed. The requirements for the landscape berm and restrictions were originally proposed to minimize concerns by the City of Caldwell and nearby subdivision developers who were concerned about the noise and light pollution from an industrial use. The berm was supposed to reduce that and give it a pleasant look. Approval today will allow the applicant to amend the development agreement to add the conceptual plan they have proposed. If the Board denies the request the applicant can either comply with the landscaping plan that was approved in August of 2019, or annex into the City of Nampa where the development agreement will be null and void. Commissioner Van Beek said Spink Butler submitted the plan as a voluntary mechanism to persuade the Board to approve the request and in the absence of that the Board may not have granted approval. She said this is a major change from what was submitted by Spink Butler. Discussion ensued regarding the conceptual plan. Mr. Lister pointed out there is no language being changed, the applicant wants to remove the conceptual plan that was approved and install the new conceptual plan which matches their revised landscaping plan. Commissioner Van Beek does not believe a heavy industrial landscape plan would be consistent with the plan that was submitted. She also had questions about why a certificate of occupancy was issued if the conditions hadn't been met. Mr. Lister said the batch plant does not require a building permit because it's a temporary structure that is reviewed by DEQ. Jim Trull, who represents Knife River, testified that he respects the time and effort Commissioner Van Beek has gone to to make sure standards are kept in the city. The seller did have conceptual drawings and Knife River initially based their landscape drawings on those. There was a note that called for 3/8 aggregate chip but when they had internal discussions about the maintenance of the berms it was suggested the chips would not stay in place so they opted for cobble rock which stays in place much better. Regarding the grass, it has always been called out as a seeded tall turf-type that is often planted alongside freeway off ramps and gets mowed once a year. He was opposed to using that type of grass

because it's hard to maintain and weeds can grow and go to seed. It was never their intention to have a mowed manicured turf although the pictures may look like that. There is approx. 1,900 yards of cobble rock in those areas at a price of \$35 a yard. They thought it would be better to put ornamental grass along the bottom in a strip. Mr. Trull spoke of his conversations with Commissioner Van Beek and the appearance of the landscaping. He said he went through several iterations of drawings and when they came back they said wanted to add a fence and change the berms to have grass on the ends. It is different but it does not make the landscape undesirable. The original conceptual drawings showed deciduous trees but they requested evergreen trees on the inside so that during the winter there would be screening. They spent extra to have something that looked nicer and give a quicker screen. Mr. Trull said their landscaping is the nicest looking concrete plant in the state and it's likely in the top 10 in the U.S. It looks barren at this point but the shrubs have not grown to their full size. They submitted a plan to the City of Nampa that shows the ornamental grass and he thought that's what the Board had reviewed. Commissioner Van Beek disclosed that she had a conversation with Mr. Trull who was very professional and courteous and he did provide information. She acknowledged that Mr. Trull and Knife River have excellent reputations. She said DSD staff made some decisions that were outside the knowledge of the Board. Arline Devlin supports the request but did not offer testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White had additional questions of Mr. Trull so she made a motion to reopen the record. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner White asked if the project utilizes weed mat. Mr. Trull said they did not put weed mat down because they felt the rock would not stay put on top of the mat. Commissioner White agreed; she believes cobble rock is an upgrade to that type of ground cover. She prefers the evergreen trees that have been planted, and she has no problem with the proposed changes. Commissioner Van Beek asked questions of Mr. Trull regarding the different variety of trees and he said the density has not changed, but some of the tree types are different than what was called out, but they did not change it to look industrial per se. Those are the trees they felt provided the most color and the best coverage for the area. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. During the Board's deliberation Commissioner White spoke about tree types and she thanked the application for their long-term investment. Commissioner Van Beek said Mr. Trull indicated this a long-term commitment and that there were some drip irrigation systems in place to make sure the trees were watered. She feels blindsided by the way the new conceptual plan works and said if she had had the opportunity to review it she may have felt differently. A local farmer contacted her about his ground being taken because of the roundabout near the subject property and that subject came up during her conversation with Mr. Trull and in good faith he compensated the farmer for the crop that was in the field. She appreciates Mr. Trull wading through the process of getting a proper approval. Commissioner Smith said the City of Caldwell did not respond to this request; neighbors were notified and nobody came to oppose or ask for additional requirements and that says a lot. She is okay with the amendment and she supports Knife River noting it's important to have a project that can be maintained for the long term. This is a good plan that will work for the community and since we didn't get any opposition testimony. Commissioner Van Beek said to have heavy industrial next to residential is a bad plan

and it needs mitigation. Commissioner White made a motion to grant the request to modify an approved development agreement for Case No. DA2020-0002 and to approve staff's findings of fact, conclusions of law and order (FCO's). The motion was seconded by Commissioner Van Beek and carried unanimously. The amended development agreement will be brought back at a later date.

The hearing concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 26, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Uniforms 2 Gear in the amount of \$3,750.00 for Canyon County Sheriff
- DOST in the amount of \$1,200.00 for Canyon County Sheriff
- SHI in the amount of \$119,358.75 for Information Technology Department

APPROVED CLAIMS

- The Board has approved claims 570871 to 570917 in the amount of \$62,395.35
- The Board has approved claims 570918 to 570957 in the amount of \$85,447.33 **corrected batch total sent over for approval on 2/8/21 for \$85,517.73*

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Mike Porter (left at 9:10 a.m.), Deputy P.A. Zach Wesley, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Chief Deputy Sheriff Marv Dashiell (left at 9:10 a.m.), Facilities Director

Paul Navarro, Controller Zach Wagoner (left at 9:10 a.m.), Sgt. Kelly Anderson with CCSO (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution approving award of officer's duty badge and duty weapon to Sgt. Cary

Salazar: Chief Dashiell said Sgt. Cary Salazar will retire on February 17, 2021. Sgt. Salazar has been with CCSO for 28 years and Chief Dashiell gave a brief history of his career. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving the award of badge and duty weapon to Sgt. Salazar (see resolution no. 21-009).

Consider signing an Agreement between Idaho Department of Parks and Recreation and Canyon

County – Recreation Boating Safety Grant: Sgt. Anderson explained this is a grant that is applied for every year. The grant amount awarded for FFY2021 is \$44,972 with a 50% match by the county. Upon the motion of Commissioner Van Beek and second by Commissioner White the board voted unanimously to sign the agreement between Idaho Department of Parks and Recreation and Canyon County for the Recreational Boating Safety grant (see agreement no. 21-005).

Consider signing resolution granting a new alcoholic beverage license to Uppercuts Barber Shop

LLC: All questions regarding this application have been addressed. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Uppercuts Barber Shop LLC (see resolution no. 21-010).

EXECUTIVE SESSION – PERSONNEL MATTER AND ACQUISITION OF AN INTEREST IN REAL PROPERTY

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:13 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (c) regarding personnel matters and an acquisition of an interest in real property. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Leslie Van Beek and Keri Smith, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Facilities Director Paul Navarro, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:48 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Van Beek made a motion to continue legal staff to 3:00 p.m. today. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING - REQUEST BY TRACE LEIGHTON OF LEIGHTON, LLC FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE AND PRELIMINARY PLAT APPROVAL OF LEIGHTON LAKE ESTATES #2 SUBDIVISION, CASE NO. OR2020-0008/SD2020-0013

The Board met today 10:04 a.m. to reschedule the hearing in the matter of the request by Trace Leighton of Leighton, LLC for a comprehensive plan map amendment and rezone, and preliminary plat approval of Leighton Lake Estates #2 Subdivision, Case No. OR2020-0008/SD2020-0013. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Tricia Nilsson, and Deputy Clerk Monica Reeves. Chairman Keri Smith is attending another meeting and would like to participate in this hearing so the matter will be continued to tomorrow morning. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to reschedule the hearing to January 27, 2021 at 10:00 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH PUBLIC DEFENDER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:33 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Smith joined at 2:03 p.m., Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross. Mr. Bazzoli updated the Board on the following:

- Budget to date
- Monthly case type counts broken down by calendar years 2019 and 2020
- Age of active pending case load
- Clearance rates broken down by calendar years 2019 and 2020
- New hires and positions: in the process of hiring a new attorney, lead investigator retired the end of the year so they are looking to fill that position.
- New kiosk initiative at the jail and juvenile detention
- Justware update and issues
- Public Defense Commission updates and information

The meeting concluded at 2:07 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:07 p.m. with the Solid Waste Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van

Beek, Solid Waste Director David Loper and Deputy Clerk Jenen Ross. Director Loper updated the Board on the following:

- Waste amounts were up 10.55% in December, FY21 is up 6.8%.
- Graph showing monthly tonnage from February 1995 thru 2020 was provided to the Board for review.
- Site certification and expansion plan are moving forward; he hopes to have the DEQ certification by mid- February.
- Tetra Tech work authorization no. 15 in the amount of \$119,409 was presented for Board review. As per the agreement, Director Loper is authorized to sign work authorizations but wanted to make sure the Board is aware of the change. The Board is supportive of Director Loper moving forward with signing the work authorization.
- Well drilling on the Stuart property.
- Phase 3 of the perimeter fence expansion.

Documents presented for review are on file with this day's minutes. The meeting concluded at 2:31 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUED LEGAL STAFF UPDATE AND CONSIDER SIGNING INVITATION FOR BIDS FOR THE CANYON COUNTY FAIR EXPO BUILDING CONSTRUCTION PROJECT

The Board met today at 3:00 p.m. for a continued legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley Facilities Director Paul Navarro (left at 3:09 p.m.), Fair Director Diana Sinner (left at 3:09 p.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing invitation for bids for the Canyon County Fair Expo Building Construction Project:

Four Idaho based contractors have been identified as good candidates for this project. The drawings and specs are complete and the county is partnering with the Urban Renewal Agency for funding. Director Navarro anticipates completion in 9-10 months although a timeframe will need to be outlined with the contractor. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the invitation for bids for the Canyon County Fair Expo Building. A copy of the IFB is on file with this day's minutes.

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

Note for the record: As properly noticed the Board met today at 3:00 p.m. for a continued legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 3:09 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion

carried unanimously. Present were: Commissioners Pam White, Leslie Van Beek and Keri Smith, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 4:20 p.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 27, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 570986 to 570986 in the amount of \$11,055.00
- The Board has approved claims 570959 to 570985 in the amount of \$89,930.46

APPROVED CLAIMS ORDER NO. 2109

- The Board of Commissioners approved payment of County claims in the amount of \$1,632,439.94 for a County payroll.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- LN Curtis & Sons in the amount of \$31,700.00 for Canyon County Sheriff
- ACCO Engineered Systems in the amount of \$10,376.00 for Facilities Department

MEETING WITH FAIR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 8:31 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

Discussion items were as follows:

- Update on what was learned regarding COVID safety protocols at the national cattleman's show Director Sinner recently attended
- Fair Expo Building
 - Bids due February 16th
 - Security needs
 - Site improvements
- Fair Building Rental
 - Barrel racing events continue to happen weekly with COVID protocols in place
 - Board is supportive of opening up events to more people as long as safety protocols are followed such as social distancing, hand washing and encouragement of mask wearing as the Governor's order includes continuation of athletic events and performances.
 - Commissioner Smith will contact Director Zogg at SWDH as to the instruction they have given to Director Sinner.
 - Currently at 20% of budgeted revenue for FY2021
- 2021 Canyon County Fair update
 - Staff and Advisory Board is focusing guest experience
 - Main Stage Concerts
 - Planning to announce and begin ticket sales mid-March
 - Board is supportive of moving forward with ticket sales
 - Reserved seating options
 - Board likes the idea of pod seating
 - General admission seating
 - Blocking off every other row of bleacher seating
- Potential changes/options related to COVID-19 and/or improvement to guest experience
 - Revisions to beer service, food court, grounds entertainment stages, relocation of ag activity area, Fair Explorer tent and Kids Alley activity areas, livestock set-up, additional benches and shade
- Fair Industry News
 - Case study from IAFE of fairs that happened in 2020
 - Reviewing health and safety plans from other fairs
 - Winter fairs that are moving forward and replacement of national acts with local acts

Commissioner Van Beek asked additional questions about long-term capital improvement plans, during the budget season she would like to include discussion regarding Director Sinner retaining a portion of her revenue to build a fund balance for the Fair. She also asked if there is a Commissioner sitting on the Fair Advisory Board. Director Sinner said there isn't a Commissioner sitting on the advisory board but Commissioner Dale did participate in meetings between the city, rodeo, college, fair and county. Commissioner Smith said she would be happy to participate in those meetings now if necessary.

The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY MARK AND TAMMY SATTERWHITE FOR A CONDITIONAL REZONE, CASE NO. 2020-0010

The Board met today at 9:07 a.m. to consider a request by Mark and Tammy Satterwhite for a conditional rezone, Case No. CR2020-0010. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. Present via Webex: Jace Evans, Jon Stosich, and Mike Perkins. On January 13, 2021 the Board heard the Satterwhite case and subsequently continued the hearing to today's date in order to allow time for staff to revise the findings of fact, conclusions of law, and order (FCO's) and modify conditions of approval in the development agreement based on the January 13 deliberation. Dan Lister reviewed the draft FCO's as follows: The Board had asked for a better understanding of the average lot size within that area so staff gave a ballpark average lot size with agricultural land around it then brought it into the ones nearby which is a 9.5-acre average lot size. The smaller lots were identified as the smallest being 4.8 acres and 7.79 acres. With a 7-acre minimum lot size this is more compliant with that surrounding area and the applicants have agreed to a 7-acre lot size. Staff identified that we did receive comment letters noting concerns that will be addressed through a road users' maintenance agreement and requirements during the platting phase. With regard to the Kramer's concerns, staff followed that up in the development agreement that an agricultural preservation irrigation plan will be provided which will mitigate a lot of the Kramer's concerns. On Page 12 of the development agreement, there are two changed conditions: 1) Lots 1, 2, & 3 shall have a 7-acre minimum lot size; and 2) at the time of subdivision plat submittal an agricultural preservation irrigation plan shall be submitted. The plan shall include adequate irrigation use and methods shall be demonstrated to ensure ongoing agricultural uses can be supported without disturbing neighboring irrigation uses. And, the building envelope locations on Lots 1, 2, & 3 as shown in Exhibit C will support preservation of farm land. There is a subsection that states it shall be subject to the conditions of the development agreement, conceptual configurations of Lots, 1, 2, & 3 as shown on Exhibit C may be modified if the configuration better supports agriculture preservation and irrigation of over 40 acres of land. The applicants have not signed the development agreement so today the Board can sign the FCO's but we will have to schedule the ordinance and development to a later date. Commissioner Van Beek said eliminating the flag and making those squared off seems to have increased the amount of agricultural land we are preserving. The private road has been shifted to where there is already an existing road and so this makes better sense for the applicant since it's already disturbed in that area and it limits the amount of construction they will have to do with the private road. They will have to do road improvements but only up to what their development is disturbing. Commissioner Smith commended Mr. Lister for the excellent job in providing modified language and also in updating the zoning criteria. She said it's a much better proposal and one she can support. Commissioner Van Beek likes this proposal. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the FCO's for Case No. CR2020-0010 for the conditional rezone. Commissioner Van Beek amended her motion to remove the word *average* and to maintain seven acres in Condition No. 2 c. in Exhibit B. The amended motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE FOR LEIGHTON, LLC, AND A PRELIMINARY PLAT FOR LEIGHTON LAKE ESTATES #2 SUBDIVISION, CASE NOS. OR2020-0003, RZ2020-0008, AND SD2020-0013

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Leighton, LLC, for a comprehensive plan map amendment, a rezone, and a preliminary plat, including a drainage and irrigation plan, for Leighton Lake Estates #2 Subdivision, Case Nos. OR2020-0003, RZ2020-0008, and SD2020-0013. Present were: Commissioners Keri Smith and Pam White, Trace Leighton, and Deputy Clerk Monica Reeves. Present via Webex: DSD Planner Dan Lister, DSD Director Tricia Nilsson, and Leslie Prendiville. Dan Lister gave the oral staff report. The applicant, Trace Leighton of Leighton, LLC, is requesting a comprehensive plan amendment to amend the future land use designation of Parcels R34052010, R34050010, R34046010 and R34052 (approximately 105 acres) from "agricultural" to "residential". The request includes a zoning map amendment (rezone) from an "A" zone (Agricultural) to an "R-R" zone (Rural Residential). The applicant is also requesting a preliminary plat (including a drainage and irrigation plan) for Leighton Lake Estates #2 Subdivision. The parcels are located at 21270 Trigger Ranch Lane in Star. The zoning is primarily agricultural but there are adjacent residential zone that was approved in 2018 and it's called Leighton Lake Estates No. 1. This part of a comprehensive plan and rezone done in 2018 so there is an adjacent use similar to what is requested. There are nine subdivisions within the area. This property was previously a gravel pit and so was the subdivision to the north. There is an existing gravel pit operation adjacent to it that is starting to near their finish and in talking with the owners those areas will likely become residential as well. The subject property is 105.96 acres with an average lot size of 15.13 acres for a total of 6 residential lots and 1 road lot. The property is located within a flood plain, half is in an AE floodway and the other half is in an AE zone. The area within the floodway will not be disturbed at all. The majority consists of the existing lakes that were created as part of the reclamation of the gravel pit. All of the development will be within the AE zone. Staff does not see the six residential lots to be a huge impact on the flood plain. The code requires at the time of development that they meet the floodplain permit requirements. According to the applicant, this will provide housing for family and he intends for each house to be approved by FEMA with a letter of map revision or amendment at that time. Leighton Lake Estates No. 1 included building pads that already received a letter of map revision, however, since that time we have had problems with that because most of the owners don't want to build within that pad or they want to build larger than the pad allowed so they had to go through the revision process. AS part of this decision the applicant is not requesting to provide pads as part of the platting process. They want a note on the plat requiring them to meet all county requirements at the time of construction or get a letter of map amendment or revision at that time. Mr. Lister gave a review of agency comments. Staff is recommending approval of the request subject to the conditions of approval, most of which are standard for platting. Commissioner Smith does not want to include as conditions items that are already required by county code. Trace Leighton testified that he

wants the project to be called Leighton Ranch instead of Leighton Lake Estates #2. Originally, he worked with a planner in DSD who would not allow him to use his common name in the subdivision so it started out as Trigger Ranch Lake Estates and he changed it to Leighton Lake Estates. He wanted to name the second phase Leighton Ranch. He does not want to name it Leighton Lake Estates No. 2. Commissioner Smith said if it was a different owner they would not have to carry on the continuation of the subdivision name so it seems like the applicant could be allowed to have a separate subdivision, unless it was included in the original subdivision which would have already had land use approval and this would have been identified as the second phase. Dan Lister said they can choose a different name however, state law says they cannot have a name that is repetitive, using another name. He said Mr. Leighton did get information from a planner who no longer works for DSD and upon checking with addressing and GIS staff, as well as our county surveyor and engineer, they came to the consensus that Leighton is a duplicate name adjacent to another Leighton subdivision so they need to either match it and make it a continuation or choose a different name that doesn't continue using a repetitive name. Commissioner Smith asked for a legal interpretation on the name change issue. She also noted it is a continuation of the existing rural residential zoning in that area. The size of the lots and topography and contours are very helpful in this case because most of the lots are already above the base flood elevation. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. During deliberation the Board decided to remove staff's condition No. 11 as it repetitive of a zoning ordinance requirement related to the floodplain. Mr. Lister referred to state law pertaining to the name. *Section 50-1307 states plats of town, subdivisions, or additions must not bear the name of any other towns or additions in the same county, nor can the same word or words similar or pronounced the same be used in making a name for said town or additions except the words city, place, court, addition or similar word unless the same is contiguous and laid out and platted by the same party or parties platting the addition bearing the same name.* Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to reopen public testimony. Trace Leighton stated his attorney has reviewed the section Mr. Lister referred to and he said the section (later on) drops the word *subdivision* after that first reference and just makes it where you cannot name it after the city or township. There was additional review of the code section. Director Nilsson said it does say subdivision in addition to towns and additions. Trace Leighton said the word *Leighton* is part of the problem and had he known this in 2017 he would have used Leighton Ranch for the back portion and the front portion would have been the named the Lakes at Leighton Ranch. Commissioner Smith wants to continue the hearing in order to obtain a legal interpretation from the County's attorney. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony on the rezone and comprehensive plan map amendment portion of the hearing. Commissioner White made a motion approve the findings of fact, conclusions of law and order and the resolution for the Leighton, LLC, comprehensive plan map amendment for Case No. OR2020-0003. The motion was seconded by Commissioner Smith and carried unanimously. (Resolution No. 21-011.) Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the rezone and the findings of fact, conclusions of law and order for Leighton, LLC, for Case No. RZ2020-0008. (Ordinance No. 21-004.) Upon the motion of Commissioner Smith and the second by

Commissioner White, the Board voted unanimously to continue the preliminary plat portion of this hearing (Case No SD2020-0013) to January 29, 2021 at 11:00 a.m.

The hearing concluded at 10:44 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS CODE ENFORCEMENT

The Board met today at 3:02 p.m. to discuss code enforcement. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Tricia Nilsson, IT Director Greg Rast (left at 3:29 p.m.), Fleet Director Mark Tolman (left at 3:29 p.m.), Code Enforcement Officer Nick Edwards, Code Enforcement Officer Eric Arthur, Cpt. Armstrong with CCSO (left at 3:29 p.m.) and Deputy Clerk Jenen Ross.

Discussion items included:

Status of equipment/computer issues: Per Eric Arthur concerns that were previously identified have been or are currently being worked thru with IT and Fleet. Director Rast gave a review of how some of the issues were addressed and how they were budgeted. Cpt. Armstrong addressed Code Enforcement having access to Spillman and CJIS clearance. Discussion ensued regarding Spillman training and available access for Code Enforcement and Spillman vs. the CAPS system. Cpt. Armstrong suggest soft body armor for protection would be a good idea. CCSO can assist with purchase although budgeting would need to come from DSD. OC spray can also be purchased and CCSO can assist with training.

Code enforcement options: Mr. Arthur explained he was recently tasked with trying to figure out where code enforcement should land and coming up with different options. While researching he came up with 4 options. The options are as follows:

1. Code enforcement would no longer responsible for all county codes; responsibilities would then be split among respective departments.
2. Code enforcement would be created as its own department reporting directly to the Board.
3. Code enforcement remains under DSD without any changes.
4. Shift code enforcement under the Sheriff's Office or shift all the duties over to the Sheriff's Office entirely.

Commissioner Smith said she has met with Sheriff Donahue and was told option 4 will never happen. Her understanding of the reason is that the Sheriff's deputies are not versed in land use and not equipped to handle building violations, zoning ordinance violations, etc. Since violations are department specific they don't want it. Director Nilsson said that is why they identified option 1 because in Canyon County Code they do nuisance which is not under building or zoning. Under option 1 the Sheriff's Office would handle nuisance properties. Mr. Arthur said that as it is right now, when the building department identifies an issue code enforcement has to explore it, learn about, build their case, establish probable cause – there is a tremendous amount of

education on each case and each violation to build that case for the prosecutor. In response to a question from Commissioner Smith, Mr. Arthur spoke about scenarios that involve building violations and process and issues that surround that. Mr. Arthur said as of today, code enforcement has 309 cases, those are not all open but all the cases that have happened from January 1, 2019 to present. Of those 309, 39 of them have been closed – he believes there are probably more that can be closed but cases are coming in faster than they can be addressed. As of right now the Weed and Gopher department handles code enforcement issues involving noxious weeds and gophers, however, code enforcement handles tall weeds that could be a fire hazard.

Commissioner Smith wondered if it would be beneficial to have a dedicated code enforcement officer to handle specific issues or specialty areas. As part of the options that were put together, DSD would be requesting at least 2 additional full-time employees to handle the current volume. Discussion ensued about citations and how they are applied to temporary housing, possible revision of the ordinance to allow the temporary housing and/or follow-up from the Prosecuting Attorney's Office in order to prosecute violators. Mr. Arthur said that in a jurisdiction he previously worked for they had administrative citations and administrative civil penalties which were levied against the property and not the property owner. Commissioner Smith would like something similar to this and asked how to move forward with that change. Mr. Arthur said the legalities of the change would have to be reviewed, he believes possibly cities can do this but counties cannot and that it's something that needs further discussion with input from legal.

At the request of Commissioner Van Beek, Mr. Arthur spoke about some of the issues he's had when passing cases off to the Prosecutor's Office. He spoke of one specific case that was referred to the prosecutor, then received by him as a code enforcement complaint stated in part "...after thorough review this needs to be handled by code enforcement." It was emailed to the guy in code enforcement even though all of that was written on the report asking for prosecution. He doesn't feel the case was thoroughly reviewed. Mr. Arthur said that in 13 years in this profession he has never had a code enforcement case or a police report kicked back to him. Several weeks ago, when Mr. Arthur temporarily left the county for another job he forwarded 6 cases to the Prosecutor's Office, when he returned to the county all 6 of the cases had been denied. He feels that if code enforcement isn't meeting the need of the Prosecutor's Office they need to explain to code enforcement what they need to do more efficiently. Director Nilsson wonders if the MOU between the Board, Sheriff and Prosecutor needs to be amended – if people aren't performing as stated under the MOU there needs to be some accountability for that. She feels that if you're not a law enforcement agency, you're always going to be second fiddle; the [code violation] crime isn't a priority but it is to the citizens. Commissioner Smith said that in her conversation with Sheriff Donahue he suggested DSD needs to ask the Prosecutor's Office for a non-civil attorney, ask for a different attorney to be assigned to these cases so that code violations aren't competing against civil and criminal crime. Director Nilsson said they've done that but then the attorney either leaves or gets reassigned. Commissioner Smith wondered that if the Canyon County Prosecutor's Office can't handle the cases maybe there needs to be a contract with an outside attorney.

Discussion ensued about what is going to get the best results for the citizens; put everything back on the table and determine the best way for the 3 agencies to work together to get the cases resolved.

Commissioner Smith asked if there is a way to stop issuing building permits on property that is out of compliance. Director Nilsson said she would prefer to have input from legal on that to avoid any kind of liability to the county. Mr. Arthur spoke of a case where there was an active code enforcement case, then a building permit was issued, then it was revoked but it happened again on the same property. Director Nilsson said that in the CAPS system there is a way to put a flag on the parcel but she needs to make sure staff is utilizing it and that everyone in the department is able to see the same information. The Board instructed Director Nilsson to work with the controller for FY2022 to accommodate the additional positions into her budget. Commissioner Van Beek is in favor of a hybrid of options 1 and 2. Commissioner Smith would like to have an executive session for case updates.

The meeting concluded at 4:13 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 28, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Christopher Jones, Case Manager –DSO Program

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Fast Lane Consulting in the amount of \$1,860.00 for Information Technology Department

MEETING TO CONSIDER MEDICAL INDIGENCY DECISIONS

The Board met today at 8:45 a.m. to consider medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-280, 2021-376, 2021-281 and 2021-309. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Case no. 2021-326 meets the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial approval with written decision within 30 days on the case as read into the record.

Liens and assignments were presented for Board signatures.

The meeting concluded at 8:47 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

Note for the record: As properly noticed the Board met today at 9:06 a.m. for a legal staff update. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 9:09 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, Leslie Van Beek and Keri Smith, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:59 a.m. with no decision being called for in open session.

CANYON COUNTY ELECTED OFFICIALS'/MAYORS' MEETING RE: COVID-19 UPDATES

The Board met today at 1:35 p.m. for the Canyon County elected officials' and mayors' meeting regarding COVID-19 updates. The meeting was chaired by Sheriff Donahue and took place in the public meeting room of the Administration Building. Present were: Sheriff Kieran Donahue, EOM Christine Wendelsdorf, PIO Joe Decker, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Commissioners Keri Smith and Pam White, Judge George Southworth, Judge Matt Bever, Dr. Nikki Zogg from SWDH, and Deputy Clerk Monica Reeves. Assessor Brian Stender arrived at 2:12 p.m. Present via Skype: Lee Belt from the City of Greenleaf, Kirk Carpenter from the City of Nampa. Topics of discussion were as follows:

Vaccination schedule:

Christine Wendelsdorf said they are scheduling the law enforcement clinic and for those who are unable to telework and this week they start the second phase of EMS providers, and law enforcement vaccinations are now being scheduled. The clinic will be held at the paramedic administration building 8:30 a.m. to 11:30 a.m. Monday through Saturday. Sheriff Donahue wants to make sure Canyon County essential personnel (such judiciary, court clerks, PA staff, ad techs in the jail, and facilities staff) who cannot telework are included in the clinic. Ms. Wendelsdorf is close to becoming a provider; she has the equipment ordered and is working with the state, however they don't know how to categorize the County because we are more like a mobile clinic. Elected officials are asked to provide Ms. Wendelsdorf with a list of employees who are interested in receiving a vaccine. The vaccine is being offered – it is not mandatory.

Review from SWDH about doses, supply, and process

Dr. Zogg said the district is receiving approximately 3,000 vaccine doses a week; it's a slow process. The allotment for next week will be 600 more first doses; the second doses are still being managed at the federal level and at this rate it could take up to two years to get two doses administered. Providers are enrolled to administer vaccines across the district. Dr. Zogg said they have the capacity to administer 20,000 doses a week, but they only have 3,000 doses (with 3,600 coming next week).

Dr. Zogg reviewed the outline of the process to disperse the vaccine. The vaccine appears to be effective in protecting against the different strains. The virus can shift which is concerning making the vaccine somewhat ineffective. Moderna is making adjustments to future vaccine production to help make it more effective for the new strains. Case counts and positivity rates and hospitalizations have decreased. Testing rates have increased this week. Hospitals are no longer delaying elective procedures. Those 65 and older are eligible to receive the vaccine starting on February 1st. It will take several weeks to make a dent in providing vaccines to that age group so SWDH is working on a press release to ask providers and citizens to give those over the age of 80 first preference to get vaccinated.

Office updates:

Commissioner Smith asked if we are going to come out of the red category with hospitalization rates going down. Dr. Zogg said we are going into the orange category. Commissioner Smith said the Board has allowed the fair director to take away the limit of 10 people in the big barn so they can have events and activities.

Clerk Yamamoto spoke of his quest to find a COVID expert and he believes he found one in Dr. Lee Merrit. The Clerk also spoke about legislative issues regarding property tax. The Assessor is supposed to be working on a property tax bill that the County plans to provide next week. The Clerk is opposed to Senator Rice's bill and IAC is working on a separate bill. He said we have a problem with the differential between residential values and commercial values – it's a 70/30 split right now and the proposal he and others are working on will even that out.

Sheriff Donahue encouraged the elected officials to contact the legislators on this issue.

Judge Southworth said he met with the House Judiciary and Rules Committee yesterday to make a pitch for a new district judge position in Canyon County, which was approved. Later he will appear before the senate and house committees to try to get two (2) new magistrate judges. With COVID numbers coming down he expects to see new direction from the Supreme Court about court trials.

Assessor Stender reported on the property tax bill and the DMV software program, which is still slow and causing massive wait times. Sheriff Donahue is frustrated with the wait times and said the state continues to say the issues have been resolved and things are back to normal which is not true.

Clerk Yamamoto spoke of issues the Clerks across the state have had with a new election program and how they staged a sit-in and got the state to change its mind. He spoke of the difficulties they have had with the state's Odyssey and Navigator programs.

Sheriff Donahue said County officials cannot get the state to understand the crucial issues associated with the software program and the fact that they have not performed beta testing and yet they roll out programs despite the opposition. He said it's been a complete failure and there needs to be a leadership change.

Kirk Carpenter thanked Ms. Wendelsdorf for her efforts to vaccinate law enforcement personnel and for the communication she is giving out. He is looking forward to the opening of offices and the continued decline of COVID cases.

Sheriff Donahue said Caldwell Mayor Nancolas has authorized the reopening of city offices on February 1st.

Lee Belt said the City of Greenleaf is doing a CERT (community emergency response teams) class once a month. The city is very concerned about the interim committee property tax bills that are being introduced. The mayor is very concerned about the economy of scale and what it will do to small communities. The mayor met with district representatives and they have generated specific comments for the public hearing on SB1021. They are aware that the Association of Idaho Cities is trying to rally its contacts as well because it does not fix the property tax issue and is potentially devastating to political subdivisions that rely on property tax for their existence. The concern is that new development would not have the annexation and new construction valuations applied to the cities' budgets and that is a compounding loss of ongoing revenue would make it so new development would not pay for itself yet the service requirements would increase. He is very encouraged to see County is looking at this and looking for a solution. The city's position is nobody knows property tax like the counties do and the counties need to be directly involved in figuring out a solution. Mr. Belt said the situation is more dire than most people are understanding and his opinion is if this goes through then cities may not be able to annex and grow and the unintended consequence of that is that you may see city utilities extended outside city limits for water and sewer but not the extension of city limits to cover that

new development and therefore you would see the burden for police protection remaining on the sheriffs with higher population outside of cities and that's not the way things are supposed to work. Sheriff Donahue asked Mr. Belt to send him what the City of Greenleaf has generated on this issue.

Commissioner Smith made a motion to adjourn the meeting. The motion was seconded by Commissioner Pam White.

The meeting concluded at 2:33 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO REVIEW UPDATES REGARDING TREASURE VALLEY RENEWABLES

The Board met today at 3:01 p.m. for a project update from Treasure Valley Renewables. Present were: Commissioners Pam White and Leslie Van Beek, Tina Wilson, Executive Director of Western Alliance for Economic Development, Neil Goodfellow, President of Boise Bio-Gas, Dave Jones, Vice President of Boise Bio-Gas, Mayor Angie Lee from the City of Parma, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, and Deputy Clerk Monica Reeves. Commissioner Keri Smith arrived at 3:23 p.m. Present via Webex: Jerry Miller from Idaho Dept of Commerce, David Lincoln, Brett Haworth, and David Swenson. Mr. Goodfellow, Mr. Jones and Ms. Wilson reported on the progress being made on the project which works with anaerobic digestors where some will work with manure from cows which allows surrounding dairies to increase their herds. Another component of the property is a waste to energy project that will diver food and agricultural waste from the landfill into this processing center. They have signed agreements with their investment partners one of whom is McQuery Capital on the food waste side of the project. It is a waste to energy project but they are producing renewable natural gas which is going to be cleaned up to the point of regular pipeline quality gas and it will go towards transportation fuel for compressed gas vehicles, mostly in western markets in other states. It's a green sustainable project and they do not anticipate any problems with permits. There will not be any storage of any kind of waste material; it will come in and be processed. Leftover materials can be sold as soil and fertilizer. The natural gas will get put in the pipeline that is directly across from the property. The other part of the project is the dairy waste. Both projects will utilize common assets, the same interconnection, and the same cleanup operation. It is two components of the same project but both are proceeding simultaneously. Mr. Jones and Mr. Goodfellow responded to questions from the Board about their project. There has been one change which they believe will be an improvement to the project; they won't need the retention ponds because they are going to return cleaner water to the dairies for use on their fields. In the past they had designed in their site drawing 10 acres of a rapid infiltration system, but they don't need to do that because they can return water to dairies. The digesters will be located inside a building. Mayor Lee asked about the food container component and Mr. Goodfellow said it's on the back shelf but it's something he, along with a number of farmers, is interested in but they have been driven to focus on the gas aspect which can provide natural gas which can be used for electricity to run their plate-making process. The sorghum is an incredible project but the gas companies' interest is in R&G and they want to focus on that, but when they get that done the

sorghum will be next on their list. Ms. Wilson said they have a potential funding package for the sorghum side but they need to find that equity investor but because of trying to get the bigger interest on the natural gas side that's why we chose it first. Mayor Lee said a lot of people supported the project because it would bring a lot of jobs, but the neighbors directly around it still have a real problem with it. Personally, she supports it because it will bring much needed jobs, but she understands the neighbors' concerns about roads, noise, lighting, and odor and they want to make sure the conditions the Board imposed are met. She encouraged Mr. Goodfellow and Mr. Jones to give a project update to the Parma City Council. In response to Commissioner Van Beek's question about a property tax exemption, Ms. Wilson said there is not currently a tax exemption application on file with the County but the project does qualify under the existing ordinance. Assessor Stender said as of today the 602NN exemption exists, however, there are a lot of discussions occurring at the legislature on this topic. Joe Cox said the County has two ordinances; one fits the investment qualifications for the Caldwell/Nampa area, and other has a smaller threshold in the Parma/Wilder area and it's mainly to encourage job creation. He believes this project will qualify under the Nampa/Caldwell threshold. Ms. Wilson said if they stay on track and break ground in third quarter they will be back in front of the Board and in talks with DSD when they start to move dirt. No Board action was required or taken.

The meeting concluded at 3:29 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2021 TERM

CALDWELL, IDAHO JANUARY 29, 2021

PRESENT: Commissioner Keri Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

CONTINUED PUBLIC HEARING – PRELIMINARY PLAT FOR WYATT'S HOLLOW SUBDIVISION, CASE NO. SD2019-0039

The Board met today at 9:31 a.m. to conduct a public hearing in the matter of a request by Diamond W. Development, LLC, for a preliminary plat, drainage and grading plan for Wyatt's Hollow Subdivision; Case no. SD2019-0039. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Present via Webex: Matt Weston, Kevin McCarthy, and Stephanie Hopkins. Today's hearing was continued from January 25, 2021 so that staff could bring back revised findings of fact, conclusions of law and order (FCO's) based on the Board's

discussion/deliberation at the previous hearing regarding additional information from the highway district and the fire sprinkler condition. Jennifer Almeida gave an updated staff report and noted that the Canyon Highway District sent communication explaining the Kingsbury extension and they noted the extension is dependent on the future development of Parcel 37624 which is to the east of the subject property. They do have a right-of-way dedication for the extension of Kingsbury but until the parcel to the east develops its unknown how and where that will occur so they are asking for the right-of-way. In the event it's not used it will vacate back to the property owner. Stephanie Hopkins testified that they are complying with the highway district requirements and are "in wait" until they find out how Kingsbury will be aligned with the slope easements. The fire district is going to support the project and recommend approval if the developer includes fire sprinklers in each of the residences knowing that eventually Kingsbury is going to be extended to provide that secondary access sometime in the future. According to Ms. Hopkins that was one of the initial conditions of approval for the project in 2013 and so they are including it as a plat note. Commissioner Van Beek would rather have voluntary compliance instead of mandatory compliance. Director Nilsson suggested removing it from the plat and said it can be enforced through the CC&Rs, or if they want to have their own agreement they can do that. Additionally, there could be a requirement for the applicant to bring their draft CC&Rs at the time of the final plat that would incorporate a fire-wise plan that's had been accepted by the fire district. Upon the motion Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek doesn't want to require fire sprinklers on the plat or as a condition of approval so she wants to remove Condition No. 8 and plat Note No. 8. She then made a motion to approve the FCOs and the preliminary plat and the drainage and grading plan for Wyatt's Hollow Subdivision, Case No. SD2019-0039 with the noted exception of condition no. 8 regarding the fire district requirement for minimum fire flow, and plat note no. 8 on the engineered drawings. The motion was seconded by Commissioner White and carried unanimously.

The hearing concluded at 9:55 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY WALKER INVESTMENTS TRUST FOR A REZONE, CASE NO. RZ2020-0010

The Board met today at 10:01 a.m. to conduct a public hearing in the matter of a request by Walker Investments Trust for a rezone, Case No. RZ2020-0010. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Tricia Nilsson, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Tamara Thompson participated via Webex. Jennifer Almeida gave the oral staff report. The subject property is approximately 15.15 acres; it is not located within an impact area or a flood zone. The applicant is requesting to rezone the property from "A" (Agriculture) to "R-R" (Rural Residential.) The future land use map designates the property as residential. The surrounding area contains a mix of agricultural and residential uses. Ms. Almeida reviewed the agency comments. The project will have to be platted. The P&Z Commission heard this request as an "R-1" (Single Family Residential) rezone and denied the

request finding that a rezone to “R-R” (Rural Residential) may be more compatible with the surrounding area. The applicant amended their request to “R-R” (Rural Residential). Staff has found the request to rezone to “R-R” is consistent with the comprehensive plan and future land use map and it meets the criteria set forth in the zoning ordinance. Staff is recommending approval of the rezone request. Ms. Almeida said the P&Z Commission noted that a rural residential zone would be more commensurate with the area, however, we should get a second opinion from legal counsel so we can determine whether it would trigger a second hearing if the Board chose to approve the R-R rezone request. Tamara Thompson, with The Land Group, gave testimony on behalf of the applicant. The property is not currently being farmed, it is one parcel consisting of 15.15 acres. They previously proposed an “R-1” zone due to the lot sizes of 1.29 acres to the west, but they have revised their request to an “R-R” zone. They originally had 12 parcels on the 15.15 acres; the current concept plan has a minimum lot size of 2 acres and the P&Z Commission recommended that “R-R” zoning is more appropriate which is why they revised the application. Deputy PA Zach Wesley joined Webex at 10:25 a.m. to respond to questions from Board regarding the P&Z Commission recommending denial of the “R-1” zoning district but they have findings that support an “R-R” zoning district. Commissioner Smith asked if the Board approves the rural residential zone change today will a second hearing be required as it will be a substantive change from the P&Z Commission findings. Director Nilsson read the hearing notice into the record noting that the P&Z Commission’s recommendation to “R-R” was listed in the notice for today’s hearing. Mr. Wesley said since the notice contained an instruction that the Board was going to consider approving the request as an “R-R” a second hearing will not be required if the Board approves it as an “R-R” zone today. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to accept the findings of fact, conclusions of law, and order as well as the ordinance for Case No. RZ2020-0010 approving the rezone from an “A” (Agricultural) zone of 15.15 acres to a “R-R” (Rural Residential) designation with a minimum of two acres.

The hearing concluded at 10:44 a.m. An audio recording is on file in the Commissioners’ Office.

CONTINUED PUBLIC HEARING TO CONSIDER A REQUEST BY TRACE LEIGHTON FOR APPROVAL OF A PRELIMINARY PLAT FOR LEIGHTON LAKE ESTATES #2 SUBDIVISION, CASE NO. SD2020-0013

The Board met today at 11:00 a.m. for the continued public hearing to consider a request by Trace Leighton for approval of a preliminary plat for Leighton Lake Estates #2 Subdivision, Case no. SD2020-0013. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Trace Leighton, Leslie Prendiville with Rodney Evans + Partners PLLC and Deputy Clerk Jenen Ross. Dan Lister provided two sets of FCOs – one is based on what was heard at the last hearing that notes the subdivision name as Leighton Lake Estates #2 and removes condition no. 11 which is the floodplain ordinance requirement. The county already has an ordinance for that so it doesn’t need to be included. The second set of FCOs is based on legal review of the state law subdivision naming code to see if Leighton Ranch could work. Those

provided findings also include an additional condition to say the final plat has to have that name. Zach Wesley provided exhibit 12 noting that 'Leighton' is the constant word and 'Lakes Estates' or 'Ranch' are considered additional words that can be used repeatedly. The code indicates that as long as the party using the word 'Leighton' allows it and the blocking of that subdivision shows it as a continuation then they can use 'Leighton Ranch' instead of 'Leighton Lakes no. 2'.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to close public testimony.

Commissioner White made a motion to approve the request for a preliminary plat for Leighton Ranch. The motion was seconded by Commissioner Smith and carried unanimously.

The hearing concluded at 11:10 a.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF JANUARY 2021 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this 7th day of April, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS
Commissioner Leslie Van Beek
Commissioner Keri K. Smith

ATTEST: CHRIS YAMAMOTO, CLERK

By: Monica Reeves, Deputy Clerk