

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 3, 2023

APPROVED CLAIMS

- The Board has approved claim 593253 in the amount of \$270,624.49
- The Board has approved claims 593437 to 593476 in the amount of \$25,624.84
- The Board has approved claims 593477 to 593487 in the amount of \$24,452.00

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 4, 2023

APPROVED CLAIMS

- The Board has approved claims 593397 to 593436 in the amount of \$76,396.77
- The Board has approved claims 593488 to 593526 in the amount of \$85,300.15
- The Board has approved claim 593527 in the amount of \$19,349.58
- The Board has approved claims 593528 to 593574 in the amount of \$83,180.52
- The Board has approved claims 593575 to 593620 in the amount of \$73,737.57

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Bob Barker in the amount of \$12,614.80 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for William Hopkins, Deputy Sheriff – Inmate Control 51003; and Tyler Van Warmerdam – Data Modeler.

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

The Board met today, April 4, 2023, at 9:31 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Solid Waste Director David Loper, Facilities Director Rick Britton (left at 9:37 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Signing Notification of Lowest Bid Acceptance for FY2023 Pickles Butte Sanitary Landfill Gas Collection System and Flare Station Component Electrical Installation Project: Only one bid was received on this project from Southern Idaho Electric in the amount of \$78,650. The bid met the project criteria and it is recommended to move forward. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the notification of lowest bid acceptance for the FY2023 Pickles Butte Sanitary Landfill Gas Collection System and Flare Station Component Electrical Installation project.

Consider Signing Addendum No. 1 to FY23 Canyon County Preliminary Design Services Roster Solicitation of Interest: No questions were received for this project so there is nothing to amend. Once signed the addendum will be added to the other project documents on the county webpage. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign addendum no. 1 to FY23 Canyon County Preliminary Design Services Roster Solicitation of Interest.

Consider Signing Legal Notice of Entering into Personal Services Contract with Nielson McCrea Law, PLLC and Andrew Jenkins: These are contracts for the Public Defender's office that were recently signed and require legal notice due to the potential of exceeding of \$10,000 in payments during the year. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the legal notice of entering into personal services contract with Nielson McCrea Law, PLLC and Andrew Jenkins.

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

EXECUTIVE SESSION – PERSONNEL MATTERS, ACQUISITION OF AN INTEREST IN REAL PROPERTY, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:39 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. She amended the motion to include section (c) regarding acquisition of an interest in real property. The motion was seconded by Commissioner Holton. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, COO Greg Rast and Solid Waste Director David Loper. The Executive Session concluded at 10:22 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file with this day's minutes.

MEETING WITH DEQ REGARDING ANDERSON CORNER

The Board met today at 10:40 a.m. for a meeting to discuss the Anderson corner property. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy PA Zach Wesley, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, COO Greg Rast, and Deputy Clerk Monica Reeves. Eric Traynor from DEQ had confirmed his attendance for today's 10:30 a.m. meeting; however, he was not present and staff was unable to reach him. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to continue the meeting to another date when the DEQ representative could be in attendance. The meeting concluded at 10:42 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APRIL 4, 2023 ACTION ITEMS

The Board met today at 11:15 a.m. to consider the April 4, 2023 action items that were scheduled for 11:15 a.m. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Office Manager Jennifer Almeida, DSD Planner III Michelle Barron, DSD Planner I Samantha Hammond, COO Greg Rast, Kent Morgan, and Deputy Clerk Monica Reeves. The items were reviewed as follows:

- **Development Agreement and Ordinance for Case No. RZ2021-0048** - The FCO's for this case were approved on February 7, 2023. (Agreement No. 23-000 and Ordinance No. 23-001)
- **Final Plat for Cooper Subdivision Case No. SD2021-0060** - The plat contains the necessary signatures, and all conditions have been met.
- **Consider a resolution to issue a refund of a conditional permit modification fee to Seth Simpson in the amount of \$412.50 (Resolution No. 23-042)**
- **Consider a resolution to issue a refund of a conditional rezone fee to Shilo Hixon in the amount of \$1,260.00 (Resolution No. 23-043)**
- **Consider a resolution to issue a refund of a comprehensive plan map amendment and rezone fee to Todd & Denise Steele in the amount of \$2,010.00 (Resolution No. 23-044)**

Following review and discussion, Commissioner Van Beek made a motion to approve the development agreement, ordinance for Case No. RZ2021-0048, and the final plat for Cooper Subdivision, Case No. SD2021-0060, and to issue refunds to Seth Simpson, Todd and Denise Steel, and Shilo Hixon as presented by DSD staff. The motion was seconded by Commissioner Brooks and carried unanimously. The meeting concluded at 11:24 a.m. An audio recording is on file in the Commissioners' Office.

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 5, 2023

APPROVED CLAIMS

- The Board has approved claims 593621 to 593680 in the amount of \$297,674.42

APPROVED PAYROLL APRIL 7, 2023

The Board approved the April 7, 2023 payroll in the amount of \$2,292,841.77

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Sunbelt Controls in the amount of \$2950.00 for the Facilities department
- Sunbelt Controls in the amount of \$13,700.00 for the Facilities department
- Avolve Software Corp. in the amount of \$3004.54 for the Development Services department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Hayden Stauffer, Corporal – Inmate Control 51003; Zachary Koreis, Corporal – Courts and Transports 51002; Brandi Long, Interim Elections Operations Supervisor; Eric Toms, Deputy Judicial Marshal.

MEETING TO CONSIDER A CASUALTY LOSS APPLICATION FOR BRIAN & MICHAEL LAIRD TRUST

The Board met today, April 5, 2023 at 10:00 a.m. to consider a casualty loss application for Brian & Michael Laird Trust. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Treasurer Tracie Lloyd, COO Greg Rast and Deputy Clerk Jenen Ross. Treasurer Lloyd explained that a fire occurred on July 28, 2022 and due to that event happening after the 4th Monday in June this is now considered a tax cancellation. The cancelled amount based on the adjusted value of \$144,000 is \$1086.84. The Assessor's Office has adjusted the 2023 taxes. Commissioner Brooks made a motion to sign the casualty tax cancellation for Brian & Michael Laird Trust. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 10:03 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING FOR A STATUS UPDATE REGARDING THE BOARD OF COMMUNITY GUARDIANS

The Board met today at 10:32 a.m. for a status update regarding the Board of Community Guardians. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Chris Yamamoto, Controller Zach Wagoner, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, COO Greg Rast and Deputy Clerk Jenen Ross.

Clerk Yamamoto gave a brief update on the program since the county has been involved stating that they believe all the bills appear to be paid although there is still an access issue with US Bank

they are working to get resolved. The majority of the BoCG members are well over retirement age and although the county has put out the need for volunteers they have yet to recruit anyone and have actually received several resignations. Currently there are 38 wards, 8 of which are unassigned; since January they've had to deny 9 referrals for various reasons. The Clerk spoke about how there needs to be a focused effort in getting the Board members organized as they currently refuse to elect officers. Clerk Yamamoto feels there are three options of what needs to be done with the BoCG, the options would be to forego the program which could only happen thru a court order, continue the program as-is although he doesn't feel that is a sustainable plan or a version of the Ada County program which would require the hiring of a fulltime employee to work as a guardian to the wards, however that would not replace the need for volunteers. He feels that with the addition of a fulltime paid guardian the county would be able to provide more service than is currently being provided. With salary and benefits the position would cost approximately \$60,000 which could come from the Clerk/Auditor budget and be incorporated into the 2023 budget. Commissioner Van Beek would like more information on the resolution that created the BoCG, she is not in favor of tasking HR with creating a job description and she would like to use the next 5 months [until the new fiscal year] to do more research as there are a number of things she needs answers to. Commissioner Brooks stated he is in favor of creating the job description and in the meantime can do additional research. Commissioner Holton feels this issue needs to be fixed; the county is now involved and needs to keep moving forward, there isn't another option. He is concerned about the liability of continuing to wait without finding a solution. Clerk Yamamoto and Ms. Baker stressed the importance of getting a functional Board in place as the current Board is reluctant to make decisions in regard to the wards. Currently they bylaws state that a Clerk employee cannot sit on the Board, a brief discussion ensued as to whether those bylaws can be amended. Ms. George suggested that there is a former indigent employee who may like to come back to the department which could possibly allow her to move into a newly created guardian position.

Following the discussion, the Board is supportive of developing a position and exploring all options that have been presented to meet the need in Canyon County. They would also like to see a text amendment taken back to the 2024 legislative session. The Clerk's Office will work with HR on creating a job description and salary range for Board consideration at a future meeting.

The meeting concluded at 11:32 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY STACY WOODRUFF FOR A CONDITIONAL REZONE OF 3.89 ACRES FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R-1" (CONDITIONAL REZONE - SINGLE-FAMILY RESIDENTIAL) ZONE, CASE NO. CR2022-0026

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Stacy Woodruff for a conditional rezone of 3.89 acres from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single Family Residential) Zone, Case No. CR2022-0026. Present were:

Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planner I Samantha Hammond, DSD Planner III Michelle Barron, Stacy Woodruff, other interested persons, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she is familiar with the area, but it will not impact her decision in this case. DSD Planner Samantha Hammond gave the oral staff report. Stacy Woodruff is requesting a conditional rezone of parcel R38194010, approximately 3.98 acres, from an "A" (Agricultural) zone to a CR-R-1 (Conditional Rezone - Single-Family Residential) zone with the intent to split the lot into three residential lots. The subject property is located at 24822 Harvey Road in Caldwell, Idaho. The applicant has provided a three-lot concept plan, and if approved it will allow the applicant to further divide their land administratively, subject to a development agreement and it will have an average lot size of 1.33 acres. The applicant will need to apply for an administrative land division, a private road and an easement reduction. The subject property was administratively split from the southern parcel. The P&Z Commission recommended approval of the request. Following her report, Ms. Hammond responded to questions from the Board. There was discussion regarding staff's written report and the average lot size as well as agency responses. Stacy Woodruff testified in support of his request. They purchased the property with the intent to split the property so his daughters and their husbands can build on two of the parcels. He is working with Black Canyon Irrigation District and has received mixed messages from them regarding the canal. He was told the canal is too flat to pipe, but after further discussions they now have an engineer involved to see if they need to pipe the canal. He said groundwater recharge was not considered; it was about getting from point A to Point Z. He prefers not to pipe the canal because it's cost prohibitive and could stop the project. He has worked with highway district on the 40-foot easement. Mr. Woodruff said he has 30 years' experience in the seed business and he said the property can grow grass, but little else. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Director Minshall responded to questions from the Board about revisions to the FCO's regarding agency responses, specifically the response from DEQ regarding the amount of lots, location and size, and that we are not requiring services be provided through individual wells and septics. There was discussion regarding the tiling of ditches and that the current FCO's state the applicant will have to meet the conditions of the irrigation districts. Commissioner Brooks had questions regarding the response from Black Canyon Irrigation District. Mr. Woodruff stated he does not have surface water rights, but he has ground water rights through an irrigation pump. He has no affiliation with nor does he need the water from Black Canyon. It comes through his property and he's been asked to tile 650 feet of pipe with 3 ½ foot in diameter pipe to get it through his property and deliver it to the other end. It will be a significant cost for him to do that (with no access to the water rights) and he may not be able to develop the property because of it. Commissioner Brooks does not understand why the BOCC would require that of the landowner. Director Minshall said the County's conditions do not require him to tile it, but a standard condition says the applicant has to meet the conditions of the irrigation district.

Further discussion ensued. Commissioner Van Beek is not in favor of tiling the ditch. Planner Hammond said the condition was requested by a P&Z Commissioner. Condition No. 3 would justify that the applicant needs to work with the irrigation district and any modifications they have would be in writing. Commissioners Van Beek and Holton are in favor of removing Condition No. 2c. There was discussion about having compliance with jurisdictions. The Catch-22 is by saying the landowner has to work with irrigation district we are saying we have now relegated we have to live with whatever they come up with. Commissioner Van Beek said that requirement is not reasonable for the application on a 3.98-acre parcel. Director Minshall is happy to have conversations with the applicant and Black Canyon Irrigation District and say the BOCC is concerned that we are requiring improvements that either need to be on the district's dime or they are concerned about generation. The Board decided to remove Condition No. 2c, and modify language in the FCO's to state a community system is not required. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve Case No. CR2022-0026, a conditional rezone of Parcel R38194010 with the recommended changes as discussed during deliberation. The signed FCO's, ordinance and development agreement are on file with this day's minute entry. (Ordinance No. 23-002 and Agreement No. 23-043.) The hearing concluded at 2:26 p.m. An audio recording is on file in the Commissioners' Office.

PRESENTATION BY SHERIFF'S OFFICE OF A PROPOSAL FOR THE EMERGENCY MANAGEMENT PROGRAM

The Board met today at 3:34 p.m. to hear a presentation by the Sheriff's Office for a proposal for the emergency management program. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, Sheriff Kieran Donahue, Chief Deputy Sheriff Doug Hart, Emergency Manager Christine Wendelsdorf, Captain Ray Talbot, Eugene Smith, and Deputy Clerk Monica Reeves. Sheriff Donahue spoke of the history and background of the emergency management program and said it has been lacking from an emergency management standpoint for a County of this size and his office is looking at how to do better and how it can become the flagship. He introduced Eugene Smith, who is a former command officer with the Boise Police Department and who is revered across the nation as one of the leading experts in emergency management. Sheriff Donahue wants Mr. Smith to help build Canyon County's emergency management program in dealing with the federal government, FEMA, and local and state partners. It's not a simple as having an emergency management coordinator, they need an expert to take us to the next step. Christine Wendelsdorf spoke about the various programs she evaluated and how Mr. Smith assisted the County during the COVID pandemic through his role at Southwest District Health. She looked at the model from Jefferson County, Colorado, which formed an

emergency management program after the Columbine shooting. Mr. Smith gave a PowerPoint presentation on the Canyon County Emergency Management Incident Management Team Strategy, a copy of which is on file with this day's minute entry. Highlights were as follows:

2022 Emergency Management Program Grant (EMPG) Requirements

- If your organization receives EMPG grants the federal government expects you to have a deployable resource.
- If you want to keep receiving funding after 2024 you have to be deployable

EMPG Personnel Only

- Identify EMPG funded deployable personnel for Canyon County
 - What if there is only one or two individuals that fall under this standard?
 - If an individual is EMPG funded in a part-time status, do they deploy part-time as well?
 - Are these individuals allowed to choose their deployable position?
 - How does turnover or attrition in these specific positions affect grant compliance?
 - What if these individuals are unable to deploy?

Incident Management Teams

- Purpose-skilled and trained personnel from multi-disciplinary backgrounds join together to efficiently and economically prepare for and manage planned events or unplanned incidents.
- Deployable personnel- May work with or on IMT based on training and experience.
- NIMS- Provides the common language and expectations of first response agencies for incidents across the nation.
- Emergency Management Agencies/Personnel receive EMPG Grants

Canyon County Incident Management Teams (IMT)

- Identify personnel from County willing to be part of this team regardless of funding source.
- Canyon County sees value in establishing a community-based IMT with local knowledge:
 - Does this create autonomy for county regarding how and when the team is used?
 - Can we fill all positions of an IMT from the various county departments with the specialization and expertise necessary?
 - What is the best way for the county to recruit and sustain this initiative internally (collation of the willing, MOA, leadership mandate)?

Large incidents

Daily operations/special events

IMT Development Qualifications and Oversight

Develop formal governance documents

- Mission Statement
- By-Laws and SOPs

Who is “grandfathered” in to establish the initial team?

- Authorities
- Expertise
- Experience

What sectors need to be represented?

Mechanics

- Establish Qualification Review Board
- Identify baseline requirements
 - Training, exercises, real-world experience, education
- Adopt Position Taskbooks
 - Format, signing authorities, how long in-between starting the process to completion
- Coaching/Mentoring program
- Requalification

Best Practices

Local/County/Regional/State/National

Gulf Coast/Intermountain West

Jefferson County, Colorado

Next Steps

- Commit to a Course of Action
- Appoint a project “champion” and team members to assist with project
- Socialize concept, obtain buy-in
- Gather feedback to identify knowns/unknowns

Next Meeting: Goals, Objectives, Milestones

A roundtable discussion ensued regarding the County's emergency preparedness. It will be expensive to manage, coordinate, train for this but there will be no cost to the County as the money will come from the homeland security grant program. It will take two years to complete. The Sheriff's Office wants to hire Eugene Smith's firm to build the program. The next step, if the Board approves, is for Sheriff Donahue to meet with the PA's Office to prepare a resolution for the Board's consideration. Chairman Holton said the Board is in agreement that it wants to proceed. The meeting concluded at 4:25 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 6, 2023

APPROVED CLAIMS

- The Board has approved the March jury claim in the amount of \$5,678.28
- The Board has approved claims 593714 to 593749 in the amount of \$137,550.80

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

The Board met today, April 6, 2023 at 9:32 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Solid Waste Director David Loper (left at 9:42 a.m.), COO Greg Rast, Representative for SRC (left at 9:42 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Opening of Bids for the Installation of Gas Collection System and Flare Station Components Project at the Pickles Butte Landfill:

The following three (3) bids were received for this project:

- SCS Field Services
Received April 5, 2023 at 10:51 a.m.
\$2,614,806.00
- Blue Flame Crew, LLC
Received April 6, 2023 at 8:24 a.m.
\$2,773,656.00

- Syblon Reid – SRC Contractors
Received April 6, 2023 at 9:21 a.m.
\$1,819,425.00

Bids will be forwarded to Director Loper and legal to review for compliance with the IFB and a recommendation will be made to the Board at a later date. Director Loper addressed several of Commissioner Van Beek's questions regarding the project and bid process. Commissioner Holton made a motion to submit this to legal and engineering to review the proposed bids, determine the lowest qualified bidder and return to the Board for further action. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:43 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Holton. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and COO Greg Rast. The Executive Session concluded at 9:58 a.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.

PRESENTATION BY THE PROSECUTING ATTORNEY'S OFFICE

The Board met today, April 6, 2023 at 10:30 a.m. for a presentation by the Prosecuting Attorney's Office. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Prosecutor Bryan Taylor, Chief Civil Deputy P.A. Carl Ericson, Chief Criminal Deputy P.A. Doug Robertson, P.A. Office Manager Melinda Longoria, COO Greg Rast and Deputy Clerk Jenen Ross. A PowerPoint presentation was provided to the Board and the following topics were reviewed and discussed:

- Constitutional role of the Prosecuting Attorney
- Elected Offices of county government
- Duties prescribed by law (Idaho Code Title 31, Chapter 26)
- Two roles of the Prosecutor – Civil and Criminal
- Overview of roles and responsibilities of the Civil division

- Overview of roles and responsibilities of the Criminal division
- Graphs depicting the number of felonies, misdemeanors, homicides and VWC combined case actions for the years 2017-2022 handled by the PA's Office
- In regard to a graph indicating the number of public records requests the PA's Office works on, Commissioner Holton would like to see there be a charge associated with in-depth requests. This could possibly be a good conversation to have amongst all the elected officials on the best way for it to be addressed.
- Comparison of prosecutor to public defenders
- Life of a criminal case
- Average caseload PA Deputy – American Bar Association recommendation is 150 felony, 400 misdemeanor
- The Board is requesting help from the PA's Office in understanding the “big picture” and how best to convey that to the public when constituents reach out
- Review of ABA Standard 3, 1.8
- Case number comparison between PA and PD from 2017-2022

Discussion ensued regarding the Board's request for documentation and data supporting the need for additional personnel and the possibility of a dedicated attorney for just the Board and Board departments.

The meeting concluded at 11:46 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING WITH THE PLANNING OFFICIAL TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 2:33 p.m. with Planning Official Dan Lister to discuss general issues, set policy, and give direction. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Office Manager Jennifer Almeida, DSD Planner III Michelle Barron, DSD Planner III Debbie Root, Matt Wilke, April Wilke, Alan Mills, Keri Smith, and Deputy Clerk Monica Reeves. Mr. Lister gave a PowerPoint presentation, a copy of which is on file with this day's minute entry. Today's meeting is a continuation of the last workshop where DSD provided the Board with homework to look at a few chapters to see how they are feeling about the Goals, Policies, and Actions (GPA's), and to see the collective support or concern for each one. The scale categories are as follows:

- *Remove*
- *Concerns*
- *Unsure/Need Information*

- *Support/Minor Revisions*
- *Keep*

The idea is to find the tradeoffs where we need more dialogue, or if we need to do a deep dive and determine where the work needs to be prioritized and to find general alignment, places for Board discussion, or deeper dives. It is conceptual at this point. Staff provided a spreadsheet based on the results of the chapters as follows:

Chapter 1: Private Property Rights

The result of this chapter was “*Keep*”. The majority was to keep it but with notes of clarification and cleanup and that would be something we would want to do as we start building the new comprehensive plan. In referring to the spreadsheet he provided to the Board, Mr. Lister said he added why we have to look at it, and said he will start adding that to all the homework just to give a general sense of why we do this and why we are required to talk about it in the plan. Based on the survey this is not a chapter that requires a deep dive or an extensive workshop.

Chapter 2: Population

The result of this chapter was “Supported with minor revisions”. There is a lot of clarification and cleanup that can be addressed later. Most of it deals with what the County’s role is, as well as other questions. Based on the survey this is not a chapter that requires a deep dive or a significant analysis. State law requires us to avoid undue concentration of population and overcrowding of land, and that the plan addresses and does an analysis of past, present and future trends in population including any characteristics as total population, age, sex, and income. Staff does not believe this is an urgent chapter to do a deep dive on, we can come back to it later.

Chapter 3: Economic Development

The result of this chapter was “Unsure/Need more information.” He provided a summary of some of the concerns, a lot of it had to do with trying to get an understanding of what these have to do, why this is here and if it belongs in the chapter, as well as questions about ag-tourism, the definition, and what role the County plays. This chapter needs more dialogue and more discussion. The purpose of is to promote health, safety, and general welfare of the people of Idaho and to ensure the economy of the state and localities is protected. As part of the plan it should be provide an analysis of the economic base of the area including employment, industries, economies, jobs and income levels. In late June the County will do a deep dive on this topic after meeting with the City of Caldwell and the City of Middleton to see what they are saying about their urban renewal areas and their economic development needs. Commissioner Van Beek referenced a soon-to-be-scheduled meeting with Senator Crapo’s office regarding collaborating with the County.

Mr. Lister wrapped up his presentation by saying DSD is trying to find the areas to be prioritized and find alignment on where we need to have more discussion and deep dives as it will help come up with the scope to help determine the type of staffing they will need based on that scope. He

handed out the Board's next homework assignment for the next two chapters with a due date of Tuesday, April 11, 2023 at 12:00 noon. No Board action was required or taken.

The meeting concluded at 2:45 p.m. An audio recording is on file in the Commissioners' Office.

CANYON COUNTY COMPENSATION PROGRAM STATUS UPDATE

The Board met today at 3:33 p.m. for a status update on the Canyon County Compensation Program Status Update. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Compensation/Benefits Manager Bosco Baldwin, HR Director Kate Rice, HR Generalist Jennifer Allen, HR Generalist Cindy Lorta, HR Investigator Rich Soto, Controller Zach Wagoner, Assessor Brian Stender, Juvenile Probation Director Elda Catalano, COO Greg Rast, DSD Director Sabrina Minshall, and Deputy Clerk Monica Reeves. The HR Office has been tasked with a comprehensive overview and update of the entire package, and today's presentation is the first step in their recommendation to an update to the compensation program. Highlights from the PowerPoint were as follows:

Canyon County Compensation Proposal

- Background
- Process Utilized
- Solution
- Benefits of this Proposed Solution
- Next Steps

Background

Our existing pay program literally has a unique pay range for every single non-elected position within the county. It is based off of a 25-year scale wherein an employee hits the mid-point within 5 years. Historically has allowed for inconsistent pay practices.

The Process

Human Resources performed a market analysis to include most of the public sector employers within the Treasure Valley. The organizations which we collected data include: Ada County, City of Nampa, City of Caldwell, City of Meridian, City of Boise as well as Kootenai County (due to its similar size to Canyon County).

Additionally, we utilized a subscription to Salary.com (the leading provider of compensation market data, software, and analytics). A significant weighting was applied to the Ada County comparison due to their proximity and job class similarities.

Job Evaluations

We also performed an internal job evaluation to measure, compare and categorize job information so that each job can be placed in the appropriate structure for salary administrative purposes. The job evaluation included a comparison of knowledge and skill, problem solving and decision making, scope and complexity, as well as impact and accountability of the role.

Compensation Philosophy

Canyon County strives to be an employer of choice within the Treasure Valley. As part of our strategy to achieve this goal, we are committed to providing a total compensation program which rewards all of our employees with a competitive wage and a generous benefits package.

In doing so, we seek to motivate employee performance, attract and retain exceptional talent, as well as enhance morale.

Ultimately, we believe our total compensation offering will drive superior customer experience to the residents of Canyon County.

Proposed Wage Ranges



Proposed Wage Ranges

Grade	Min	Mid	Max	Diff Min to Mid	Diff Mid to Max	Diff Min to Max	Min as Salary	Mid as Salary	Max as salary
A	\$18.00	\$21.42	\$24.84	19.00%	15.97%	38.00%	\$37,440.00	\$44,553.60	\$51,667.20
B	\$21.00	\$24.99	\$28.98	19.00%	15.97%	38.00%	\$43,680.00	\$51,979.20	\$60,278.40
C	\$24.50	\$29.16	\$33.81	19.00%	15.97%	38.00%	\$50,960.00	\$60,642.40	\$70,324.80
D	\$29.00	\$34.51	\$40.02	19.00%	15.97%	38.00%	\$60,320.00	\$71,780.80	\$83,241.60
E	\$34.00	\$40.46	\$46.92	19.00%	15.97%	38.00%	\$70,720.00	\$84,156.80	\$97,593.60
F	\$40.00	\$47.60	\$55.20	19.00%	15.97%	38.00%	\$83,200.00	\$99,008.00	\$114,816.00
G	\$47.00	\$55.93	\$64.86	19.00%	15.97%	38.00%	\$97,760.00	\$116,334.40	\$134,908.80
H	\$55.50	\$66.05	\$76.59	19.00%	15.97%	38.00%	\$115,440.00	\$137,373.60	\$159,307.20
I	\$66.00	\$78.54	\$91.08	19.00%	15.97%	38.00%	\$137,280.00	\$163,363.20	\$189,446.40

Benefits to Implementing this Structure Include:

- Reduce the current number of wage grades from 240+ to 9
- Allow us to introduce/utilize compa-ratios within our payroll system

- Provide a defined structure to our employees. This will define paths for future advancement, etc.
- Easier to manage and identify issues such as pay equity
- Creates predictability which in turn allows for an easier budgeting process

Next Steps

- If the Board approves the move to the proposed wage grades, HR will work with Payroll to add these changes into the payroll system
- Communicate the new program to Elected Officials and Department Administrators
- Review/identify internal equity/alignment issues
 - Identify individuals whom are significantly outside the current market rate for their role
 - Gender based pay analysis
- Further define our compensation philosophy
 - Link/define pay for performance
 - New hire wage calculation
 - Evaluate and recommend market COLA adjustments
- Follow employee retention figures to measure impact over time
- Update program as needed

Final Thoughts

A roundtable discussion followed on the following topics:

- Wage ranges. It will be a challenging budget year for the Board managing growth in the county, and the number of requested positions so we have to look at what's happened over the last five years with the increases in wages and dedication of resources to that. Remember the taxpayers.
- This proposal has an impact of zero dollars. We are not giving wage increases, we are slotting like positions into the proposed wage ranges. It's a management tool that is compressing 240+ grades into 9 grades.
- Differentiate between COLA and salary increase; the COLA does adjust the grade.
- Next step is to update some job descriptions.
 - COO Rast wants to see what job descriptions are in which grade and see who's getting paid outside of a grade. Commissioner Van Beek suggested a mediated discussion to see where it's lining up.
- HR doesn't foresee many problems coming from this; we are not reducing anyone's pay.
- Lead pay/specialty pay
- Controller Wagoner supports getting away from 240+ pay grades. We need to know what positions are Grade A, Grade b, etc., and it's imperative to involve the elected officials and

department administrators and get the information out as soon as possible. He had questions about progression between mid, min and max - how do you determine where somebody's at today and then how do they step forward if they remain in that position looking forward. Mr. Baldwin said where they end up in the grade is right where they are today; will have a compa-ratio to identify where they are in that list. He gave an example of breaking it into two percentage points per year; i.e., we could bring somebody in with that additional two years, we would give them 4% above min and that's where that person would start.

- HR Director Rice said they are looking to beef up the performance reviews and employee performance program and management and with a merit increase it would be based on documented performance contributions. Setting realistic goals, making contributions, achieving goals, and being rewarded for performance instead of attendance. It can be overlapped and in addition to a COLA, instead of a COLA, etc. We can do a combination in a hybrid partial wage adjustment and partial reward for performance, which is how the private sector does it.
- This is not a staircase program, it's a wage grade as opposed to staircase. There is potential to have people outpacing others in the same position, and we will have to document the reason why and it will be based on annual reviews. We have to conceptually identify what are the merit increases going to be over the next number of years. We haven't done the type of training the supervisory staff and employees deserve for a fully merit-based compensation program to be able to set goals and move it forward and have a merit increase based on their individual contributions. This fiscal year it would not be feasible to bring everyone up to speed with the knowledge needed and then create those goals and performance reviews and the coaching. We would want performance reviews done in May/June so that it could be tied into the budgeting process so that at the start of the fiscal year the employee would know what their salary merit increase or performance increase might be.
- A COLA would move the range. An employee would be eligible to get the increase unless their performance is out of alignment. We could work that into our program where there would be no salary increase based on a discipline situation.

The Board is good for the next step with the compensation program to happen, but it needs to be identified as draft. The meeting concluded at 4:37 .m. An audio recording is on file in the Commissioners' Office.

APPROVED CLAIMS

- The Board approved claims 593681 to 593713 in the amount of \$25,897.50

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jordan Hammond, Sergeant - Inmate Control 51003; Bryce Moore, Sergeant - Training 41002; Timothy Gibson, Corporal - Security Serv Admin 51001; Chad Harrold, Lieutenant - Sheriff's Admin 41001; and Rick Fisher, Program Analyst II.

APRIL 2023 TERM

CALDWELL, IDAHO APRIL 10, 2023

There were no meetings held today.

APRIL 2023 TERM

CALDWELL, IDAHO APRIL 11, 2023

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Collin Black, part-time Weed and Gopher Control Tech.

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

The Board met today, April 11, 2023 at 9:34 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Elections Supervisor Haley Hicks (left at 9:43 a.m.), Interim Elections Supervisor Brandi Long (left at 9:43 a.m.), DSD Director Sabrina Minshall, Facilities Director Rick Britton (left at 9:41 a.m.), Chief PD Aaron Bazzoli, COO Greg Rast, Marc Rietema with Syblon Reid (left at 9:43 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Notice of Intent to Award Contract for the Installation of Gas Collection System and Flare Station Components Project at the Pickles Butte Landfill: This item will be postponed to April 18, 2023 in order for Director Loper and Mr. Wesley to continue reviewing the bids for compliance based on a letter received from Syblon Reid. Upon the motion of Commissioner Van Beek and

second by Commissioner Holton the Board voted unanimously to postpone to April 18, 2023 along with the subsequent dates related to this project.

Open Statements of Interest for FY23 Canyon County Preliminary Design Services Roster Solicitation of Interest:

The following companies submitted statements of interest:

- Breckon Land Design
Received April 7, 2023 at 2:00 p.m.

- RBA Architects
Received April 6, 2023 at 1:35 p.m.

- Architecture Northwest
Received March 31, 2023 at 10:25 a.m.

- Cushing Terrell
Received April 11, 2023 at 8:25 a.m.

- Atlas Technical Consultants
Received April 11, 2023 at 8:36 a.m.

- Urban Innovation Office
Received April 11, 2023 at 8:45 a.m.

- CSHQA
Received April 11, 2023 at 8:51 a.m.

- Lombard Conrad Architects
Received April 11, 2023 at 8:59 a.m.

Each submission will be forwarded to Director Britton and legal for review.

Consider Resolution Waiving Certain Landfill Fees for Canyon County Residents for One Day Only on Saturday, April 22, 2023: This is an annual resolution to coincide with Earth Day. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution waiving certain landfill fees for Canyon County Residents for one day only on Saturday, April 22, 2023 (see resolution no. 23-045).

Consider Signing a Resolution Designating Polling Locations for the May 16, 2023 Election: Two new locations will be used for this election and they continue efforts to find new locations. There are 3 precincts that will be moved to mail-in ballots due to the number of voters in those precincts; Ms.

Long also noted that if voters in those precincts would like to vote in-person they are welcome to do so at the elections' office. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution designating polling locations for the May 16, 2023 election (see resolution no. 23-046).

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

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:44 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Holton. A vote was taken on the motion with Commissioners Van Beek and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, DSD Director Sabrina Minshall, Chief P.D. Aaron Bazzoli and COO Greg Rast. The Executive Session concluded at 10:33 a.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.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY AND ASSOCIATED ACTION ITEMS

The Board met today, April 11, 2023 at 10:34 a.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek and Brad Holton, Case Manager Kellie George, DSD Staff Sabrina Minshall, Pam Dilbeck, CE Officer Gary Westerfield, CE Supervisor Eric Arthur, COO Greg Rast and Deputy Clerk Jenen Ross.

Ms. George presented the following cases to the Board for consideration:

Case no. 2013-241 has been paid in full and indigent services is requesting the Board sign the release of lien. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the release of lien for case no. 2013-241.

Case no. 2012-1028 has been paid in full and indigent services is requesting the Board sign the release of lien. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the release of lien for case no. 2012-1028.

The meeting concluded at 10:37 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING WITH CODE ENFORCEMENT TO DISCUSS AND CONSIDER ACTION ITEMS

The Board met today, April 11, 2023 at 10:37 a.m. with Code Enforcement to discuss and consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton, Code Enforcement Supervisor Eric Arthur, Code Enforcement Officer Gary Westerfield, DSD Director Sabrina Minshall, Sr. Administrative Specialist Pam Dilbeck, COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider certificates of non-compliance for the following properties:

- 15076 & 15046 5th Street and 15045 4th Street, Caldwell
- 15347 Willis Rd, Caldwell
- 41 N. Happy Valley, Nampa
- 23811 Homedale, Wilder
- 18774 11th, Nampa
- 22504, 22558 and 0 Eel Ln, Middleton

Mr. Arthur and Mr. Westerfield provided a review of each property. Commissioner Van Beek made a motion to sign the certificates of non-compliance as listed and reviewed by Code Enforcement staff. The motion was seconded by Commissioner Holton and carried unanimously. Copies of each of the recorded certificates of non-compliance are on file with this day's minutes.

Consider release of lien for 11488 Flamingo Ave W: The abatement charges have been paid and the lien can now be removed. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the release of lien for 11488 Flamingo Ave W. A copy of the recorded document is on file with this day's minutes.

The meeting concluded at 10:48 a.m. and an audio recording is on file in the Commissioners' Office.

MEET WITH COUNTY ASSESSOR TO CONSIDER SITE IMPROVEMENT EXEMPTION APPLICATIONS

The Board met today at 11:02 a.m. with the County Assessor to consider site improvement exemption applications. Present were: Commissioners Brad Holton and Leslie Van Beek, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Pursuant to Idaho Code, Section 63-602W, the applications qualify to receive a 75% exemption for the lot improvements before the lots are sold. If the owner sells the lots they lose the exemption and it will be prorated on the sub-roll at the end of the year. If it's an owner-build then the exemption stays with the lot until the parcel is sold and then the recapture process begins. Assessor Stender reviewed the following exemption applications and believes they are eligible for the exemption this year:

Cumberland No. 6
West Highlands Ranch 13
West Highlands Ranch 14
West Highlands Ranch 15
West Highlands Ranch 16
West Highlands Ranch 17
Silver Star No 1
Silver Star No 2
Silver Star No 3
Silver Star No 4

Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to sign the applications for property tax exemption for the 10 subdivisions presented by the Assessor as enumerated, with an effective date of January 1, 2023. The meeting concluded at 11:08 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING TO CONSIDER A REQUEST BY KM ENGINEERING LLP, REPRESENTING RICHARD ALBISU, FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE, CASE NOS. OR2022-0007 & CR2022-0015

Commissioner Leslie Van Beek went on the record today at 1:33 p.m. to reschedule the public hearing regarding the request by KM Engineering, LLP, representing Richard Albisu, for a comprehensive plan map amendment and conditional rezone, Case Nos. OR2022-0007 and CR2022-0015. The hearing was rescheduled to April 26, 2023 at 1:30 p.m. so all three Commissioners can participate in the hearing. The proceeding concluded at 1:34 p.m.

CONSIDER MINISTERIAL ITEMS

The Board met today at 2:44 p.m. to consider commuter vehicle authorization forms and alcoholic beverage license renewals. Present were: Commissioners Brad Holton and Leslie Van Beek and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to sign commuter vehicle authorization forms for Brandi Clough and Guadalupe Tovar. Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to approve the following alcoholic beverage licenses for renewal:

- Idaho Bowling Corporation Inc. dba Nampa Bowl (Resolution no. ABL23-050)
- Idaho Golf Partners, Inc. dba Timberstone Golf Course (Resolution no. ABL23-049)
- Golden Palace, Inc. dba Golden Palace; Panther Event Center, LLC dba Panther Event Center; Pantera Market & Mexican Restaurant #2, LLC dba Pantera Market #2 (Resolution no. ABL23-048)

- O Seafood, Inc. dba O Crab (Resolution no. ABL23-047)

The meeting concluded at 2:47 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2023 TERM

CALDWELL, IDAHO APRIL 12, 2023

There were no meetings held today.

APRIL 2023 TERM

CALDWELL, IDAHO APRIL 13, 2023

APPROVED CLAIMS

- The Board has approved the Grand Jury claim in the amount of \$1,927.85

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- A-Gem Supply in the amount of \$1,424.50 for the Facilities Department
- Best Buy in the amount of \$1,423.82 for the Information Technology Department
- Avaya in the amount of \$1,773.60 for the Information Technology Department
- Mountain Home Auto Ranch in the amount of \$45,802.00 for the Fleet Department

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 4/29/23; and Slick's Bar to be used 4/29/23.

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

The Board met today, April 14, 2023 at 9:31 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Facilities Director Rick Britton (left at 9:41 a.m.), Fair Director Diana Sinner (left at 9:41 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Signing Agreement for Noxious Weed Control and Cooperative Agreement for Gopher Control with Idaho Transportation Department: These are annual renewals and Mr. Wesley provided a brief outline of each agreement. In regard to the fees, Mr. Britton feels that they may

need to be updated in future years but is comfortable moving forward as-is this year. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the agreement for noxious weed control (see agreement no. 23-044) and cooperative agreement for gopher control with Idaho Transportation Department (see agreement no. 23-045).

Consider Invitation for Bids and Legal Notice Inviting Bids for Canyon County Fair Event Center Fence Project: Director Britton explained this is for the perimeter of the expo building. He has identified some potential vendors and spoke about the kind of fence they're looking for along with some of the requirements. The goal is to have the fence completed before the fair this year and URA monies can be used for this project. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the invitation for bids and legal notice for the Canyon County Fair Event Center Fence project. Copies of the notice and IFB are on file with this day's minutes.

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

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:41 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and COO Greg Rast. The Executive Session concluded at 9:58 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 resolution approving an alcoholic beverage transfer license for KJ's 80218: This transfer is just for a name change and upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution approving an alcoholic beverage transfer license for KJ's 80218 (see resolution no. 23-051).

Commissioner Van Beek made a motion to continue the legal staff update meeting to 3:30 p.m. today. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 9:59 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING WITH DEQ REGARDING ANDERSON CORNER

The Board met today, April 13, 2023 at 10:05 a.m. with DEQ regarding the Anderson Corner Property. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Oscar Klaas, Treasurer Tracie Lloyd, Chief Deputy Treasurer Tonya May, Assessor Brian Stender, Eric Traynor with DEQ, COO Greg Rast and Deputy Clerk Jenen Ross.

Anderson Corner is a property that was taken by tax deed in approximately 2016, however, after it was taken there was pollution on the land that was discovered. Mr. Traynor provided a brief overview of the property noting that in 2004 the islands in front of the convenience store were leaking from various places underneath. This property had above ground fuel storage tanks and a bulk fueling operation along with a liquid propane tank/dispenser, storage & laundry building, a residential building and an RV area in the back. In regard to a question from Commissioner Van Beek, Mr. Traynor explained that above ground fuel storage tanks are not regulated by the state; above ground tanks fall under the purview of the EPA and the only time they would come under DEQ purview is when a release has occurred. Once the property was owned by the County, DEQ and Mr. Traynor were notified and asked if there was anything that could be done in regard to the Brownfield program. In 2004 monitoring wells (MW) 1-5 were installed by the Petroleum Storage Tank Fund and MW 6-8 were installed by DEQ. When sampling was done they found contamination in MW 1,3, 6, 7 and 8 - they found dissolved petroleum product that is above DEQ standards. Approximately 1800 cubic yards of petroleum contaminated soil was removed from the site near the former convenience store but due to proximity to the irrigation canal they were only allowed to get so close thus leaving a certain amount of still contaminated soil on the property. At some point after the soil removal the canal company had been out to work on a subsurface pipe but it is unknown what happened to the contaminated soil they moved – if it was left at the site or removed. At this point Mr. Traynor estimates that DEQ has spent near \$250,000 on this site. Due to some of the wells drying up it was decided that wells 6-8 would be abandoned and deeper wells would be installed in close proximity.

Mr. Traynor explained that if all contamination can be kept on site that DEQ has mechanisms in place so that they could close the site thru an environmental covenant. In referencing *Figure 5: LNAPL Contour Map 07/12/22*, Mr. Traynor explained that in MW-3 they found nearly 2' of free product (petroleum product), on MW-1 they found 1.5' of free product and in MW-6 there is 1' of free product. At this point both MW-8 and MW-7, which are at the property boundaries are all below standards. Moving forward there needs to be a system installed to remove the product and possibly install additional wells within the triangle area of the LNAPL plume. At this time Mr. Traynor doesn't have any more funding to put toward this project, however he is looking to apply for ARPA funds to continue the work at this site. He discussed the logistics of installing skimmers at the property to remove the product and getting the monitoring wells to the dissolve phase. As long as they can get to and remain in the dissolve phase and MW-7 and MW-8 remain in the same status as they are then an environmental covenant can be place on the property with a non-residential use restriction, groundwater extraction restriction other than for watering unless there was a deeper well, however, the domestic well on the site is good. At this point it is hard to pinpoint a timeline for the property to be remediated because there is so much product that needs to be removed.

Commissioner Van Beek asked if change in ownership would change the work DEQ is willing to do at the site. Mr. Traynor said it wouldn't, he's willing to work with anyone but the new owner would have to assume any liability. In his opinion, if he were to be asked by someone about purchasing the property he would strongly discourage it.

The meeting concluded at 10:43 a.m. and an audio recording is on file in the Commissioners' Office. Copies of the maps provided and reviewed by Mr. Traynor are on file with this day's minutes.

MEETING WITH THE CITY OF NAMPA TO DISCUSS INTEREST AND FEES ON DELINQUENT TAXES

The Board met today at 11:04 a.m. for a meeting with the City of Nampa to discuss interest and fees on delinquent taxes. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Treasurer Tracie Lloyd, Deputy PA Oscar Klaas, Deputy PA Zach Wesley, Clerk Chris Yamamoto, Controller Zach Wagoner, Nampa Mayor Debbie Kling, Chief of Staff Rick Hogaboam, Nampa Finance Officer Doug Racine, Nampa City Council President Randy Haverfield, and Deputy Clerk Monica Reeves.

Rick Hogaboam reviewed the legislation regarding how to interpret the collection of interest and fines connected to delinquent taxes.

- Idaho Code further defines the collection cost as:
 - I.C. 63-1002 PAYMENT OF DELINQUENCY — ORDER — RECEIPT. (1) Whenever a delinquency exists for any year, the taxpayer may pay to the tax collector any part of such delinquency ***together with the costs***, late charges and interest. ***Costs include certified mailings, title searches, advertising and all other expenses for the processing and collection of the delinquency.*** Provided however, that any delinquency shall be applied to costs, collection costs, special assessments, charges, fees, interest, late charges and property tax in the proportion each bears to the total amount due. Payment applied to the property tax shall be posted directly to the roll.

It has been the practice that the interest and fines associated with delinquent taxes to the City of Nampa has been remitted through the collection process. The statute envisions other expenses that is intended to cover the administrative cost recovery for whatever burdens might be associated at the county level. The legislation was attempting to clarify that jurisdictions should be solidified through statute with how the collection is remitted. If interest and fines are not remitted back to the City of Nampa for delinquent taxes then it becomes like an interest-free loan from the city to have to front cash flow and then only recovering the value of money and the fixed dollar amount. The state said the interest and fines are to incentivize people to pay taxes on time and they should be remitted to the city.

Doug Racine the amounts paid to the City have averaged from \$220,000 down to \$175,000 per year in the penalties and interest portion, not the delinquency, and it becomes part of the city's budgetary base in funding the city.

Mr. Hogaboam said there are two counties who do not want to add administrative costs so they were going to take part or all of the interest in the fines and not remit those to the taxing districts and count that as their administrative costs rather than charging it out.

Mayor Kling said historically it has been operating just fine and has been remitted back, and the City's request is to continue moving forward as we have in the past. Commissioner Van Beek said she does not have an interest in taking the fees and interest; it has been well articulated by the Chief on what the intent was that if you have admin costs those are separate from the interest and penalties themselves. If the County has a need to recover those administrative costs then we need to look at impact fees. Commissioner Brooks said it's been a good working relationship, and he does not want to upset the applecart.

Controller Zach Wagoner said there is a distinct difference between property tax penalty and interest. Kootenai County and Bonneville County have started retaining all penalty and interest related to property tax. There are different interpretations and legislation was brought forward to provide clarity on this matter, but that legislation did not advance out of the House Revenue and Tax Committee and there is still a lack of clarity. The County incurs substantial costs to administer the property tax system from assessment, to calculating rates, to collection and that is going to get incredibly more complex in the coming weeks with HB292. Canyon County has over 60 taxing districts and when he looked at the dollars they request from property tax versus the actual amounts of money remitted to the taxing districts and when he excluded penalty and interest, our taxing districts would be made whole strictly just by property tax collection. If the County kept the penalty and interest the taxing districts would still be made whole based on what they asked for. In the case of Nampa for the last fiscal year, the property request was \$38.5M and the amount of property tax returned to Nampa was \$39.6M, excluding penalty and interest. Currently we do remit the penalty and interest so that would be in addition to on top of the \$1M above what Nampa levied and that was consistent throughout all taxing districts. There are situations where property taxes are not paid timely so the County is still pursuing collection activities on old property tax and as we collect the old property tax we remit it to the appropriate taxing district.

Discussion ensued about the cost of collection and remittance process as well as the calculation of levy rates. Commissioner Holton said no one in the room is willing to say the County is going to keep it all. It seems fair and judicious that the County charge accordingly to the complexity of what the administration is to get the city its number. There was further discussion regarding the amount of monies collected versus the amount the city submits for its annual budget. Inside the \$1M differential would be delinquent property tax collections - it's not that we are getting more, we are recovering what we didn't get in prior years. Controller Wagoner said for the four (4) previous years, more was remitted than was levied.

Mayor Kling cautioned the County not to mix the issue of the cost of preparing the tax statement with this issue of the cost of delinquency and interest and said this discussion is about the remission of the interest and the delinquent fees. Mr. Racine said city has received more money than they budgeted, but they have also been incurring costs to service those new properties and delinquent properties so from that perspective it's catching them up for costs, but they are barely keeping pace with the costs they are incurring from the new subdivisions.

Controller Wagoner said if somebody is not paying their property tax the County is not getting the cash flow and neither are the taxing districts. Based on what we've seen with the Treasurer's efforts to pursue delinquent property taxes and with occupancy tax, as far as a cash flow we have seen that based on what's levied the cash flow is exceeding what was levied in a fiscal year. Without assessed values there are no levy rates, without levy rates there are no property taxes and without property tax there is no penalty and interest. The County dedicates a tremendous amount of resources to do this efficiently. Mr. Racine said the cashflow goes up for the County as well as it goes up for the cities on those collections.

The meeting concluded at 11:52 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY TONY ELORDI FOR A DEVELOPMENT AGREEMENT MODIFICATION, CASE NO. DA2022-0003

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by Tony Elordi, is requesting a development agreement modification to agreement number 16-226 associated with Case No. PH2016-30, an approved conditional rezone. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner III Michelle Barron, DSD Planner I Samantha Hammond, Tony Elordi, Bob Dickson, Victoria Cowan (provided testimony via teleconference), Jerry Cereda, Bob Dickson, Jon Minkoff, Rene Bine, Shelly-Jean Soule', Ron Kirtley, and Deputy Clerk Monica Reeves.

DSD Planner Samantha Hammond gave the oral staff report. The subject parcels, approximately 42.4 acres, are located adjacent to 18121 Andorra Lane in Caldwell, Idaho. The agreement was created in 2016 and the modification is to allow Lot 5 of the Andorra Estates Subdivision to be divided to create a total of two buildable parcels, and it includes changing three of the original development agreement conditions. The applicant's letter of intent and site plan show how the intent of the modification is to have the capability to live on site and maintain the agricultural production of the property themselves. If approved platting will be required. The subdivision is result of a conditional rezone from agriculture to rural residential which was approved on August 22, 2016 subject to conditions. Lot 5 and Lot 9 shall remain in irrigated agricultural production only, and 86% of the land would remain in agricultural use. The development agreement states Lot 9 shall not have a residential permit available and shall remain in irrigated agricultural production. (Lot 9 on the approved final plat is a private road, so what they are referring to in the agreement is Lot 10.) Both parcels contain a 3.5-acre building envelope for each building permit

being requested. Parcel 5A has the intent of a small orchard, small vineyard and Parcel 5B will encompass the remaining 50% of the pivot irrigation system. With the building envelopes, 83.84% of that lot would remain in full ag production. Ms. Hammond reviewed the site photos and surrounding area as well as the comments received. The future land use designation is agricultural. On December 1, 2022, the Planning and Zoning Commission recommended denial of the modification request. Following her report, Ms. Hammond responded to questions from the Board.

The following people testified in support of the request:

Tony Elordi testified he began the project nine years ago and has been farming it since. He purchased the property from people who were trying to sell it at a prime development price and his intent was to develop it for residential use and to make a better farm out of it. The property sits in a bowl and has substantial slopes. He removed the 10-acre ridge that ran through the property and invested in a pivot system and underground delivery systems. He wanted to do more residential than what he ended up with. He is not a farmer and he wants to keep the rural residential character of the project. He has leased the property because he doesn't have the equipment or the energy to take care of a parcel that big. His children will retire soon and they want to live on the property and do a farm-to-market type production with an orchard and a vineyard on part of it. Mr. Elordi plans to develop the parcels and live there and keep farming it.

Bob Dickson lives next to the subject property and testified the area is steep and difficult to irrigate. He likes the proposal for a vineyard and believes this would be the ideal spot to make some changes otherwise it's wasted or barren land.

Victoria Cowan, who is Mr. Elordi's daughter, testified she and her husband co-own the subject property with her parents. She understands the neighbors' desire to protect their views of the Owyhee Mountains and the Snake River Valley and she understands the growing concerns of native Idahoans with regards to development of the valley. This land is not prime farm ground and over 35 acres are classified as nonprime farmland with least suited soils. With their current leasing and share cropping methods a 40-acre monocrop does not produce a profit. They have not made any money on the land since owning it but instead have spent a great deal of money improving the land. Farmers have reported difficulty in irrigating the land and are limited in the crop types they can plant. There is concern about wells and water availability, however, the hydrologic report states data suggests a productive aquifer underlies the property and is easily capable of providing the anticipated water supply. There is no current data suggesting declining water levels in existing wells. The land will be irrigated with surface water. Ms. Cowan said they are pursuing options for a small cider orchard and vineyard which would use drip irrigation, and with two building envelopes 84% of the land will remain in full agricultural production.

The following people testified in opposition to the request:

Jon Minkoff lives on Eva Lane in Caldwell and said the Elordis admit they are not farmers and they bought mostly prime ag land outside the impact area with the clear intent to build houses contrary

to the agricultural zoning, the comprehensive plan, and the rural character of the area. Mr. Elordi was fortunate to be granted a compromise through the development agreement which allowed him to build on a portion of the land as long as the rest of the land was maintained in agricultural production. It is not within the spirit of the agreement to build on Lot 5, in fact it is expressly prohibited. He said the Elordis are free to farm Lot 5, they don't have to build on it.

Ron Kirtley testified about his concerns with water and wells going dry, and he worries how many more modification requests will be made by the applicant.

Jerry Cereda lives below the subject property and farms in the area and said there have been a lot of variations to what Mr. Elordi originally started. He is opposed to putting more house on the property especially due to the water issues. It's not topnotch ground but he said Mr. Elordi should have researched it if he's worried about farm ground. He bought it with the idea to subdivide it. Rene Bine is the President of the Canyon County Alliance for Responsible Growth, and has lived a quarter mile from the subject property for 22 years. He testified the development agreement was carefully drafted by the County to ensure the acreage would stay agricultural in perpetuity. The neighbors wanted the parcel made into a separate parcel but the County said the agreement was a better way to go and it gave the County full discretion as to ever changing its use. He said Mr. Elordi has tried to continually get more lots out of the property and the original parcel he created and he has come back time and time again to wear down the neighbors and the County. Mr. Bine does not believe the proposal makes sense for farm ground.

Shelly Jean Soule' testified she purchased her property on Eva Lane in 2003 for the views. As they were making improvements to their property Mr. Elordi was asking for water rights to be moved, and for houses to be built. Her primary concern with the proposal is the impact to property values and increased property taxes. She has three neighbors with adult children living with them so they can afford to stay on their property.

Rebuttal testimony was offered by Tony Elordi who said the neighbors are blaming their subdivision issues on what he's done on his property and he doesn't understand why they are upset about him wanting to build on his farm and have a house for his family. There is a well on the Snively property at the head of the subdivision that IDWR has been monitoring for 20 years and the report indicates the water has been static and, in some years, it has been above the static line. Following his testimony, Mr. Elordi responded to questions from the Board.

Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to accept the late submittals of attachments G and H. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Brooks said this comes down to the language of the original development agreement which states a modification request must be accompanied by a statement demonstrating the necessity for a request for modification. He agrees with staff's comment that the request is a desire, not a necessity. Commissioner Van Beek said there are parts of it that are identified as less than desirable for farming, and there were three platted subdivisions when this was approved in 2016 and today there are five. It appears the area is in transition. She

wants to see design overlays for standards on building as part of the comprehensive plan and ordinance but we don't have that. There is not a direct correlation between assessed value and increase in property taxes. Planning Official Dan Lister said the majority of the area is agriculture with a lot of conditional rezone approvals. There has been no change to the area since 2017 when the newest subdivisions were approved, and those changes came with a conditional rezone agreeing to a certain type of development. There have been land divisions which are allowed in the agricultural zone. The reason this did not go through a comprehensive plan amendment is because there were so many conditions applied to this to maintain the agricultural character which got it an approval by the hearing body at that time. The current comprehensive plan shows this area as agriculture. Commissioner Holton understands the position of the applicant, but said there is a prior agreement and it was pretty bulletproof. The proposal is a substantial change from the original development agreement. There are other vehicles the applicant could use to attempt to do what he is trying to do, but Commissioner Holton is uncomfortable with modifying the development agreement. DSD Planner III Michelle Barron said in reading the ordinance she questioned if it's necessary to modify the agreement. How do you put necessary on a definition, and where can you come up with evidence for that? Planning Official Lister said necessity has been viewed differently by different hearing bodies and with there being two new commissioners there could be another interpretation which is why he brought up the history. Staff's interpretation over the past 2-3 years is that a necessity is a necessity and if it's a substantial change to the FCO's then the findings cannot be made for that anymore and it would have to go back through another process. In 2016 necessity was subjective. It is up to the Board to decide if it's a necessity. DSD Planner I Samantha Hamond said staff's initial recommendation of approval did come from minimal information and she looked at it from the perspective of necessity meaning process, versus necessity meaning personal. Commissioner Brooks does not believe this is a matter of necessity, but if it comes back through another process where that's not in play he could easily make the argument to approve based on the soil information, but that's not what is before the Board today. The modification request today does not meet the threshold just like the staff reports states. Commissioner Van Beek said this area is largescale diversified agriculture and a farmer has a right to live on their land, otherwise the avenues looking for a material change the applicant would have to go back because of the time that has lapsed and look at it again. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to deny Case No. DA2022-0003, a modification of a development agreement, No. 16-226 which was approved as part of Case No. PH2016-30. The hearing concluded at 3:03 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUED EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to return to Executive Session at 3:32 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to return to the continued Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Civil Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and COO Greg Rast. The Executive Session concluded at 4:23 p.m. with no decision being called for in open session.

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 14, 2023

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Chef's Deal Restaurant Equipment in the amount of \$19,391.14 for the Facilities Department
- Architectural Glass in the amount of \$11,293.00 for the Facilities Department
- Dell in the amount of \$2,475.60 for the Information Technology Department
- Dell in the amount of \$6,088.11 for the Information Technology Department
- Dell in the amount of \$1,538.24 for the Information Technology Department
- Dell in the amount of \$8,070.47 for the Information Technology Department
- Dell in the amount of \$2,779.49 for the Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for William Kaufer, Deputy Sheriff – Patrol; Matthew Demelo, Deputy Sheriff - Patrol; William Brust Deputy Sheriff - Inmate Control; Chris Graham, Sergeant - Patrol; and Cameron Witgenstein, Corporal - Patrol; and Richard Gragg, Sr. Weed and Gopher Applicator.

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for O'Michael's Pub & Grill to be used 5/13/23, 5/6/23, 5/20/23, and 5/27/23; and Craft Lounge to be used 5/4/23 and 6/1/23; and Danelion Brewery to be used 4/22/23 and 5/20/23.

BUDGET STATUS UPDATE MEETING

The Board met today at 10:05 a.m. for a budget status update meeting. Present were: Commissioners Leslie Van Beek and Zach Brooks, Commissioner Brad Holton participated via teleconference, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Auditing Supervisor Sarah Winslow, COO Greg Rast and Deputy Clerk Jenen Ross.

Controller Wagoner provided several documents to the Board and reviewed them as follows. Each of the documents that were reviewed are on file with this day's minutes.

A brief review of the *Actuals to Budget Expenditures FY2023 thru 3/31/23* worksheet was provided to the Board. The total FY2023 Expenditure Budget is \$132,746,090 and as of 3/31/23 the county has spent \$52,391,049 with \$80,355,041 remaining in the budget. As far as actual spending to budget there is nothing that stands out as unexpected or out of line.

Controller Wagoner created a document detailing governmental accounting including a definition and breakdown of fund accounting and how it operates. Currently Canyon County budgets for 20 governmental funds and 1 enterprise fund. There are 12 governmental funds that levy property tax and each fund has its own property tax rate. Mr. Wagoner spoke about enormous amount of property tax financial detail it takes for each levied fund and the costs associated with maintaining that amount of detail. Controller Wagoner has suggested moving the county from the 12 governmental funds to 4 governmental funds – only keeping current expense, district court, Southwest District Health and justice. County weed control, Assessor's reappraisal, County Fair, Parks and recreation, historical society and tort functions would be rolled into the current expense fund. Some funds that are not property tax based would still be maintained such as the E911 fund because those fees are very specific in how they can be used. Controller Wagoner explained there is a fair amount of work in doing this and wants to make sure it is something that is worthwhile, makes sense and something that can operate into the future. In response to a question from Commissioner Van Beek in regard to the newly adopted policy of transparency, Controller Wagoner feels that moving to this will offer the same level of transparency as the funds that are individually levied as they currently are because those funds will become 'departments' from an accounting terminology point of view.

Commissioner Van Beek spoke about how she would like monies budgeted for facility projects or fleet vehicles to be under each of those departments vs. parceled out to individual departments/offices. Controller Wagoner expressed his concerns with this and his desire to use other people's money (grants, state monies, lottery tax money) first before taxpayer dollars and they need to be accounted for within those departments/budget lines. Additional discussion

ensued regarding funded but not filled positions and personnel requests to be included in the upcoming budget discussions.

In response to a question from Commissioner Brooks, Controller Wagoner spoke to the process of reducing the number of funds and that it would be in part internal accounting implementation. There will likely be further conversation regarding this as part of the budget process.

Assessor Stender provided handouts to the Board which reviewed the average number of customers served per day by month from January 2021 thru March 2023 and revenue numbers from October 2021 thru January 2023. With the increased use of the internet and QR codes for renewals Assessor Stender anticipates the walk-in traffic starting to diminish.

The meeting concluded at 11:04 a.m. and an audio recording is on file in the Commissioners' Office.

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 17, 2023

APPROVED CLAIMS

- The Board has approved claims 593750 to 593752 in the amount of \$19,053.64

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- RMT Equipment in the amount of \$15,299.00 for the Fleet Department

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 18, 2023

APPROVED CLAIMS

- The Board has approved claims 593940 to 593941 in the amount of \$3,351.00
- The Board has approved claims 593942 to 593981 in the amount of \$35,817.68
- The Board has approved claims 593982 to 594021 in the amount of \$27,640.03
- The Board has approved claims 593876 to 593899 in the amount of \$11,263.00

APPROVED PAYROLL APRIL 21, 2023

The Board approved the April 21, 2023 payroll in the amount of \$2,171,536.35

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Steve Webb.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Intermountain Wood in the amount of \$3,339.39 for the Facilities department
- Architectural Glass in the amount of \$41,665.00 for the Facilities department

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

The Board met today at 9:35 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, Commissioner Brad Holton participated via Webex (joined at 9:44 a.m.), Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas (left at 9:39 a.m.), Landfill Director David Loper (left at 9:44 a.m.), EOM Christine Wendelsdorf (left at 9:39 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross.

Consider Lease Agreement Between Ada County and Canyon County for Canyon County to Lease a Portion of Shafer Butte Radio Tower Facility: This tower is owned by Ada county but used by Canyon County for emergency radio communications as well as equipment storage. The agreement is substantially the same as previous years with some updated language and exhibit detailing the equipment; the contract will be in effect until September 30, 2027. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the lease agreement between Ada County and Canyon County for Canyon County to lease a portion of Shafer Butte radio tower facility (see agreement no 23-046).

Consider Notice of Intent to Award Contract for the Installation of Gas Collection System and Flare Station Components Project at the Pickles Butte Landfill: The timeframe for this project was extended for additional review of the bids. One of the bidders, Syblon Reid, asked for relief from their bid submission as they did not feel it was in compliance with the project specifications. The second lowest bid, once the bid from Syblon Reid was removed, was SCS Field Services, they are a landfill engineer construction firm with a bid amount of \$2,614,806. The letter signed today will notify Syblon Reid of their relief from the bid process and the intent to award the contract to SCS Field Services. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the notice of intent to award contract for the installation of Gas Collection System and Flare Station Components Project at the Pickles Butte Landfill. A copy of the letter is on file with this day's minutes.

Consider a resolution granting a renewal beer/wine alcoholic beverage license to the following:

- Costco Wholesale #734
- Albertsons #166
- Albertsons #103
- Albertsons #176
- Albertsons #1602
- Angeles De Puebla Ice Cream
- Asian Grocery
- Sushi Sushi
- White Dog Brewing Co.
- Gallegos Meat Market
- Gallegos Meat Market #2

Commissioner Brooks made a motion to grant the renewal of beer/wine alcoholic beverage licenses as noted on the agenda. The motion was seconded by Commissioner Van Beek and carried unanimously. See resolution nos. 23-052 and 23-053.

Consider a resolution granting a renewal beer/liquor alcoholic beverage license to the following:

- Sportsman's Hideout
- Texas Roadhouse
- McCleary's
- Caldwell Elks Lodge #1448
- Rocco's Roadhouse
- River Bend Golf Course
- Vern's Lounge
- Buck's Saloon & Steakhouse
- V-Cut Lounge
- Brick 29

Commissioner Brooks made a motion to grant the renewal of beer/liquor alcoholic beverage licenses as noted on the agenda. The motion was seconded by Commissioner Van Beek and carried unanimously. See resolution nos. 23-054 and 23-055.

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

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Brooks made a motion to go into Executive Session at 9:48 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A vote was taken on the motion with Commissioners Van Beek, Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Zach Brooks and Leslie

Van Beek, Commissioner Brad Holton participated via Webex, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley and COO Greg Rast. The Executive Session concluded at 10:21 a.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.

TOUR PROPOSED NAMPA AREA OF CITY IMPACT EXPANSION WITH PLANNING DIRECTORS FROM CANYON COUNTY AND THE CITY OF NAMPA

The Board toured the proposed Nampa Area of City Impact expansion with planning directors from Canyon County and the City of Nampa. Present were: Commissioners Zach Brooks and Leslie Van Beek, COO Greg Rast, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, Nampa Planning Director Rodney Ashby, Nampa Principal Planner Doug Critchfield, and Deputy Clerk Monica Reeves. On April 24, 2023 at 3:30 p.m. the Board will meet with officials from the City of Nampa to discuss its proposed area of impact expansion request and today's tour was held in advance of that meeting. The tour route began at 10:55 a.m. at the Midway Park in Nampa, it did not stop at or point out any pending applications, but there was discussion about the general area and characteristics. The route included the following areas: Midway Road, Greenhurst Road, Midland, Locust Lane, Tio Lane, and Lone Star Road. There was conversation on the following topics:

- Density of existing developments
- Zoning designations
- The need to make a distinction about the ag designation
- The need more discussion about agritourism
- The need for a broader discussion about sub-area plans
- What does preservation of agriculture mean to the city?
- How do both entities work together in these spaces?
- Service areas near Lake Lowell
- There will be another workshop to do a deeper dive into the area of impact and talk about the joint powers agreement

The tour concluded at 12:09 p.m. No Board action was required or taken. An audio recording of the tour is on file in the Commissioners' Office.

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 19, 2023

APPROVED CLAIMS

- The Board has approved claims 593900 to 593939 in the amount of \$42,298.96

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$9,229.44 for the Information Technology Department
- HD Headsets in the amount of \$1,185.30 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Carmen Jimenez, Legal Support Specialist II; Bonnie Wood, Temporary Elections Staff; Shane Sears, Temporary Elections Staff; and Trina Harrell, Temporary Elections Staff.

PLANNING & ZONING COMMISSION APPLICANTS REVIEW

The Board met today, April 19, 2023 at 2:04 p.m. to discuss Planning & Zoning Commission applications. Present were: Commissioners Leslie Van Beek and Zach Brooks, Commissioner Brad Holton participated via teleconference, DSD Director Sabrina Minshall, COO Greg Rast and Deputy Clerk Jenen Ross.

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

EXECUTIVE SESSION – PERSONNEL MATTERS TO CONSIDER HIRING A PUBLIC OFFICER, EMPLOYEE, STAFF MEMBER OR INDIVIDUAL AGENT, WHEREIN THE RESPECTIVE QUALITIES OF INDIVIDUALS ARE TO BE EVALUATED IN ORDER TO FILL A PARTICULAR VACANCY OR NEED. THIS PARAGRAPH DOES NOT APPLY TO FILLING A VACANCY IN AN ELECTIVE OFFICE OR DELIBERATIONS ABOUT STAFFING NEEDS IN GENERAL

Commissioner Brooks made a motion to go into Executive Session at 2:05 p.m. pursuant to Idaho Code, Section 74-206(1) (a) personnel matters to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. The motion was seconded by Commissioner Holton. A vote was taken on the motion with Commissioners Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Zach Brooks and Leslie Van Beek, Commissioner Brad Holton participated via teleconference, DSD Director Sabrina Minshall and COO Greg Rast. The Executive Session concluded at 2:52 p.m. with no decision being called for in open session.

MEETING TO CONSIDER ACTION ITEMS

The Board met today, April 19, 2023 at 2:52 p.m. to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, Commissioner Brad Holton participated via teleconference, COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a resolution granting a renewal beer/wine alcoholic beverage license to:

- Eskimo Hut
- Tsai's Kitchen
- The Griddle

Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the resolution granting a renewal beer/wine alcoholic beverage license to the above-named entities.

Consider a resolution granting a renewal beer/liquor alcoholic beverage license to:

- Mariscos El Viejon
- Bob's Trolley House II

Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the resolution granting a renewal beer/liquor alcoholic beverage license to the above-named entities.

The meeting concluded at 2:54 p.m. and an audio recording is on file in the Commissioners' Office.

APRIL 2023 TERM

CALDWELL, IDAHO APRIL 20, 2023

APPROVED CLAIMS

- The Board has approved claims 593796 to 593835 in the amount of \$53,203.67
- The Board has approved claims 594022 to 594060 in the amount of \$31,326.45
- The Board has approved claims 593836 to 593875 in the amount of \$55,823.59
- The Board has approved claims 594094 to 594132 in the amount of \$49,815.96
- The Board has approved claims 594133 to 594199 in the amount of \$350,637.57
- The Board has approved claim 594200 in the amount of \$150.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Oracle in the amount of \$4,280.00 for the Information Technology Department
- Right Systems in the amount of \$32,097.00 for the Information Technology Department
- JamF in the amount of \$8,190.00 for the Information Technology Department

- SHI in the amount of \$23,396.20 for the Information Technology Department
- Calero Software in the amount of \$1,147.36 for the Information Technology Department

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

The Board met today, April 20, 2023 at 9:33 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, Commissioner Brad Holton participated via teleconference, Chief Deputy P.A. Carl Ericson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Treasurer Tracie Lloyd, Director of Juvenile Probation Elda Catalano (left at 9:38 a.m.), Division Supervisor Linda Hall (left at 9:38 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Agreement with United Way of Treasure Valley Inc. to Supply Fiscal Sponsorship to Canyon County Juvenile Probation Department for Truancy Prevention Kicking-Off School 2023 Community Event: Director Catalano explained this partnership with the United Way has been in place for 8 years in order for them to serve as the fiscal agent for this community event hosted by Juvenile Probation each year. There is no cost to the county, the United Way provides this service free of charge. At the request of the Board, Ms. Hall provided background information on the event and what they are able to provide to the community. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the agreement with United Way of Treasure Valley Inc. to supply fiscal sponsorship to Canyon County Juvenile Probation Department for Truancy Prevention Kicking-Off School 2023 Community Event (see agreement no. 23-047).

Consider resolution and quit-claim deed granting parcel no. 26250505A0 to Paul and Wendy Zahller: Treasurer Lloyd provided background on the offer proposed by the Zahller's. This parcel was taken for tax-deed in 2013 for the 2009 taxes. It is a 10' strip of land adjacent to the Zahller's property which was offered at auction in 2013 but no bids were received. The Zahller's have provided a cashier's check in the amount of \$603.66 to the Treasurer's Office for past taxes, interest and penalties/fees. Commissioner Van Beek made a motion to sign the resolution and quit-claim deed granting parcel no. 26250505A0 to Paul and Wendy Zahller. The motion was seconded by Commissioner Brooks and carried unanimously. Treasurer Lloyd noted for the record that the Zahller's would like the parcel deeded to Wendy Doreen Zahller and Paul Robert Zahller Revocable Trust. With that information, Commissioner Van Beek made an amended motion to sell this property to Wendy Doreen Zahller and Paul Robert Zahller Revocable Trust. The amended motion was seconded by Commissioner Brooks and carried unanimously (see resolution no. 23-059).

The meeting concluded at 9:43 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:31 a.m. to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, Commissioner Brad Holton participated by phone, DSD Office Manager Jennifer Almeida (left at 10:34 a.m.), Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Treasurer Tracie Lloyd (left at 10:38 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a resolution issuing a refund to Jeff Labahn: Ms. Almeida said this was for a building permit fee that was charged in error and staff is recommending a full refund of \$3205. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution to issue a full refund to Jeff Labahn (see resolution no. 23-058).

Consider the Treasurer's tax charge adjustment by PIN for March 2023: Treasure Lloyd said these are the monthly corrections and addressed a question from Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for March 2023.

Consider matters related to medical indigency:

Case no. 2023-58 – this is for a cremation which the family has indicated would create a hardship for them. The decedent had \$377 on a social security benefit card; there are no other assets or resources available. Following discussion amongst the Board, Commissioner Van Beek made a motion to deny the request. The motion was seconded by Commissioner Holton and carried unanimously.

The meeting concluded at 10:41 a.m. and an audio recording is on file in the Commissioners' Office.

CANYON COUNTY WATER WORKSHOP

The Board met today at 2:32 p.m. for a water workshop with presentations by the County Engineers, the Idaho Department of Water Resources (IDWR), Idaho Department of Environmental Quality (DEQ), and Southwest District Health (SWDH). Present were: Commissioners Zach Brooks and Leslie Van Beek, Commissioner Brad Holton participated via teleconference, DSD Director Sabrina Minshall, County Engineer Devin Krasowski, COO Greg Rast, Nick Miller and Eric Boe from IDWR, Ed Hagan, Fritz Durham, Aaron Schiff and Valerie Greer from DEQ, Mitch Kiester and Colt Dickman from SWDH, P&Z Commissioner Rob Sturgill, DSD staff members, Alan Mills, Matt Wilke, Larry Olmsted, Ron Harriman, interested citizens, and Deputy Clerk Monica Reeves.

Director Minshall said the goal of today's workshop is to discuss the authority and desire of Canyon County, as a land use permitting entity as related to topics of water resources. This is first workshop in an anticipated series. The recommended outcome is for the Board to consider the County engaging in a deep stakeholder-driven process and more detailed discussions around water resources so we can understand the tradeoffs between our polices and our approach to applications with the ultimate outcome being that as we updated the long range plan into 2040

we know what our choices are. There will be another meeting in 3-4 weeks to get BOCC direction with more options from staff.

Agenda

Why are we here?

- Explain the legality and practicality of why and how water supply and wastewater disposal fit into the land use planning decision process
- Introduce known issues or complicated situations the County experiences that fuel this discussion

Public/County/State Rights, Authorities, and Responsibilities - IDWR, DEQ, SWDH, each entity will discuss the following general topics:

- Discuss authorities and obligations with respect to the use and protection of the public's resources
- Describe what each agency's responsibilities are during land development
- Give perspectives on appropriate water/sewer infrastructure in the typical County development
- Describe the tools agencies may have that are meant to help local governments make decisions

Presentations were as follows:

County Engineer Devin Krasowski gave a presentation on the following topics:

Hypothetical County Development

Local/State/Federal Considerations (Water)

1. Comp Plan Amendment
 - a. Compatible with surrounding land uses?
 - b. IC 67-6537(4) - Must consider the effect on source, quantity, and quality of groundwater in the area
2. Rezone
 - a. Generally consistent with the comprehensive plan?
 - i. P5.01.03 and P5.01.04 encourage community systems
 - ii. P11.03.01 limit and mitigate housing in areas that have hazards, including contaminated groundwater
 - b. Compatible with surrounding land uses?
 - c. Negatively affect the character of the area? Mitigation?
 - d. **Will adequate facilities be provided?**
3. Preliminary Plat
 - a. Required Improvements
 - b. Conditions of approval to "minimize adverse conditions"

Other Local/State/Federal Considerations (Water)

1. IC 39-126 Duties of State and Local Units of Government
 - a. Shall Incorporate the Idaho Groundwater Quality Plan
 - b. Encouraged to implement groundwater protection policies
2. Safe Drinking Water Act

County Engineer Concerns/Opportunities

1. Use of domestic well exemption (IC 42-111)
2. Advanced septic system enforcement
3. No standard County requirements

Nick Miller, the IDWR Western Regional Manager, gave a presentation on Groundwater Use and Protection:

Topics:

- IDWR's Roles and Responsibilities related to
 - Groundwater Quality
 - Groundwater Quantity
- Sources of Information
 - FAQ, GIS maps, Hydrologic, published studies?

Goals for Today:

- Help provide context to support development of standards

IDWR RE: Groundwater Quality

Generally tied to well construction practices, but cooperative activities as well. For full description see:

Idaho Groundwater Protection Interagency Cooperative Agreement, June 2020.

IDWR has been vested with the authority to allocate water supplies IC 42-201 (7)

1951 Groundwater Act, as amended now codified as IC 42-226 - 42-237f

- Declared public policy to devote groundwater resources to beneficial use through appropriation
- Recognizes "first in time is first in right" cannot block full economic development of the groundwater resources, but still contemplates protecting senior users via "reasonable groundwater pumping levels"
- Formulates other management tools - GWMA's, CGWA's, other authorizations to manage the resource and administer existing uses

IDWR must balance opposing objectives - full development of the resource vs. preserving the resource for existing and future users.

*Note: No guarantee of perpetual, uninterrupted water supply for anyone.

IDWR Re: Groundwater Quantity

Domestic wells exempt from WR permitting IC 42-227

This exemption largely insulates domestic wells from IDWR's aquifer management tools.

GW Right Administration Considerations

- Most GW administration in the western region has been in response to long term, aquifer-wide issues, rather localized or seasonal issues. GWMA's, moratoriums, and drilling and appropriation adaptations
- No reasonable pumping levels have been established in Idaho.

Note: Reasonable pumping levels are intended to define how much impact a senior right holder should incur due to junior GW development - a reasonable pumping level is not intended to protect junior users in maintenance of historical pumping levels.

Goal of these administrative activities/designations are to exercise statutory authority to manage the resource - to protect the ability to put the resource to full beneficial use.

Ed Hagan and Fritz Durham from DEQ gave a presentation that was summarized as follows:

Overview –Groundwater Protection

Identify and encourage BMPs that can be used to protect groundwater quality

- Wells -Domestic wells vs Public wells
- Authorities for Groundwater Protection
- Nitrate Priority Areas
- Best Management Practices (BMPs) for Groundwater Protection
 - Nutrient-Pathogen (NP) evaluation

Domestic Wells vs Public Water Wells

Domestic wells

- More wells - more preferential pathways to move contaminants from land surface into groundwater
- Less stringent construction standards
 - 38 ft well seal
 - Thinner casing
- Water quality not regulated
 - No monitoring of water quality
 - No well lot or distribution system inspections

Public Water System Wells

- Fewer wells - less preferential pathways to move contaminants from land surface into groundwater
- More stringent construction standards
 - 58 ft well casing
 - Thicker casing
- Water quality regulated to protect public health
 - Drinking water quality standards apply
 - Routine water quality sampling
 - Periodic well, well lot, and distribution system sampling

Unsewered Subdivisions Impact on Groundwater

- Septic systems are waste disposal systems that release contaminants to subsurface
- Nitrate concentration discharge ranges from 30 to 80 mg/L
 - Idaho NP spreadsheet default = 45 mg/L, Utah 55 mg/L
- Average septic flow of about 300 gallons/day (70 gals/person/day) (USEPA Onsite WW Treatment Systems Manual 2002)
- 9 houses = 1,000,000 gallons annually (Goings 2022)
 - 170 kg (374 lbs.) of nitrate discharged from 9 houses

Are Septic Tanks a Groundwater BMP?

According to the report sent to the Congress by the U.S. Environment Protection Agency (1997),

- Yes - if lots are sized appropriately
- Depends on site-specific conditions including:
 - Groundwater velocity, depth to water, soils
 - Nutrient load - number of occupants in house, livestock, and fertilizer usage
- Lichtenberg and Shapiro (1997) found **that one onsite system is associated with about as much nitrogen leaching as one hectare (247 acres of cornfield.)** Therefore, if conversion of a cornfield to residential use with onsite sewage is at density of more than 1 onsite per hectare, the result will be higher N concentrations in the drinking water wells.

Existing Authorities - Environmental Protection and Health Act - Title 39

Existing Authorities - Title 67

Idaho Groundwater Quality Rule

Nitrate Priority Areas (NPAs)

25% of sampled wells have nitrate concentrations \geq 5mg/L (standard = 10 mg/L)

- High Priority: 8
- Moderate-High Priority: 17
- Moderate Priority: 10

Best Management Practices (BMPs)

- Use sewers or large soil absorption system
 - Centralized waste management
- Conduct Nutrient Pathogen Evaluations
 - Determine lot size and orientation to minimize degradation
- Install Nitrate - Reducing Septic Systems
 - Decrease nitrate concentration discharge, but require maintenance

BMP - Nutrient Pathogen Evaluation

- Scientific method for quantifying groundwater impacts from proposed septic systems (determine acceptable septic density)
- May include detailed numerical model
- Calculates change in nitrate concentration on groundwater from septic discharge
- Must be performed by qualified firm under DEQ oversight

Nutrient Pathogen Evaluation:

Guidance document initiated in 2002 to provide a standard for evaluating the impacts to groundwater from subdivision development and from large soil absorption systems.

Groundwater elevation contours, generated by IDWR. Very large scale, but best available data for groundwater flow direction and gradient.

Review of maps, graphs, and aerial photos as well as list of developments current under review, and previously DEQ approved/submitted and DEQ-approved

- Approved or under review:
 - 1,200 acres
 - 720 lots
 - 220,000 gallons wastewater/day

BMP - Nitrate-Reducing Septic Systems

Advanced treatment systems incorporate a treatment step between solids separation and final dispersal of effluent. Pumps, timers, and floats are used to control the flow of wastewater from one component of the system to the next.

- Advanced treatment systems designed to reduce nitrogen output
- Can reduce nitrate concentrations by 50% or more
- Systems typically involve pumps and other mechanical/electrical components

Colt Dickman and Mitch Kiestler from Southwest District Health gave a presentation summarized as follows:

Subsurface Sewage Disposal Program (Septic Systems)

- SWDH employs Environmental Health Specialists (EHS)
- Their primary role is to protect groundwater and the surface environments from human-derived wastewater (aka septic or sewage)
- EHS staff ensure and enforce proper construction and regulations of residential and commercial septic systems
- EHS staff go onsite to perform soil analysis to ensure soils present are acceptable for treating wastewater
- After analyzing the soil, the EHS will write a permit for the approved septic system

Types of Septic Systems

Individual Septic System

- Serves 1-2 dwellings
- Consists of
 - Septic Tank
 - Drain field
- Installation Requirements
Can be installed by
 - Homeowner
 - Licensed Basic installer
 - Licensed Complex installer

Large Soil Absorption Systems(LSAS)

- Serves systems that produce 2500 gallons of water daily
 - EX) Schools, Resorts
- Consists of
 - Septic tank (series)
 - Drain field (primary & replacement)
 - Pump/ pump tank
- Requirements for approval/ installation
 - DEQ Approval
 - Engineered
 - Installed by licensed complex installer

Alternative Systems

- Serves dwellings and businesses that have environmental limiting factors

- Basic systems with Modified standards (DEQ APPROVED) Includes
 - Extended treatment package system (ETPS)
 - Proprietary wastewater treatment system (PWTS)
- Installation requirements
 - Licensed Complex installer
 - May require certification course.

Individual Lot Setbacks

Contributing Parties to Land Development

Land Development./SSD Process

Other Environmental Functions of SWDH

- **Public Water Systems**
 - SWDH regulates 168 public water systems for safe drinking water.
 - Role is to ensure water system owners sample and test their water to meet quality standards.
- **Solid Waste Inspections**
 - Idaho law assigns the Public Health Districts responsibility for the review of solid waste facility operations and maintenance plans.
 - Types of solid waste facilities include: Municipal Solid Waste Landfills, Non-Municipal Solid Waste Transfer Stations, Construction and Demolition Sites, and Rural Drop Boxes.
- **Nuisance Complaints**
 - SWDH is a resource for these nuisance complaints: rabies investigations, animal bites, illegal dumping, solid waste violations, open sewage, and hazardous algae blooms

There will be subsequent conversations with the transportation partners and fire district partners, and in a few weeks DSD staff will follow-up with the Board to find out what additional information it wants and to talk about what's next and how to engage within the County's authority and the agencies' authorities. No Board action was required or taken today. The meeting concluded at 4:35 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 21, 2023

APPROVED CLAIMS

- The Board has approved claims 593753 to 593795 in the amount of \$543,469.18

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Legends Sports Pub & Grill to be used 6/16/23, 6/24/23, 5/13/23, 5/20/23, 6/2/23, 6/11/23, 6/23/23 and 5/27/23.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Premier Wireless in the amount of \$5525.00 for the Sheriff's Office
- R&H Supply in the amount of \$4326.00 for the Facilities department
- Sherwin Williams in the amount of \$29,554.66 for the Facilities department
- Curtis Blueline Boise in the amount of \$1095.00 for the Misdemeanor Probation department

APPROVED NOVEMBER 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of November 2022 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.

TOURED COUNTY EXTENSION/COUNTY AGENT'S OFFICE

Commissioner Zach Brooks and Commissioner Leslie Van Beek toured the County Extension/County Agent's Office this morning from 9:00 a.m. to 10:00 a.m. with COO Greg Rast, Facilities Director Rick Britton and staff from the University of Idaho County Extension/County Agent's Office. There were no motions, action items, or Board direction entertained or given.

APRIL 2023 TERM

CALDWELL, IDAHO APRIL 24, 2023

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Sunshine Window Cleaning in the amount of \$3795.00 for the Facilities department
- Delta Fire Systems in the amount of \$8356.45 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Adam Isla, Deputy Sheriff 41006; Shelby Reece, Call Taker – dispatch 41012; Kimberly Dianne Sprenger, Customer Service Specialist – Booking 51005; Luis Angel, Deputy Sheriff, Inmate Control 51003; Miriam Cristina Mares Lozano, Customer Service Specialist – Driver’s License 41003; Darin Bradshaw, Deputy Sheriff – Patrol.

FAIRGROUNDS AND EXPO CENTER TOUR

Commissioner Zach Brooks and Commissioner Leslie Van Beek toured the County Fairgrounds and Expo Center this afternoon from approximately 1:00 p.m. to 2:30 p.m. with COO Greg Rast, Fair Director Diana Sinner. There were no motions, action items, or Board direction entertained or given.

JOINT MEETING WITH NAMPA CITY COUNCIL REGARDING NAMPA PROPOSED AREA OF IMPACT EXPANSION

The Board met today at 3:32 p.m. for a joint meeting with the City of Nampa regarding Nampa’s proposed area of impact expansion. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, DSD Office Manager Jennifer Almeida, COO Greg Rast, Nampa Mayor Debbie Kling, Nampa Sr. Planner Breanna Son, Nampa Principal Planner Doug Critchfield, Nampa Planning Director Rodney Ashby, Nampa Engineer Daniel Badger, Councilman Darl Bruner, Councilwoman Natalie Jangula, Councilman Victor Rodriguez, Keri Smith, George Crookham, other interested citizens, and Deputy Clerk Monica Reeves. The agenda topics were as follows:

- Introductions
- Overview of Idaho State Law/Process- Area of Impact– (Dan Lister, DSD Planning Official)
- History of Nampa’s Public Outreach – (Breanna Son, Nampa Senior Planner)
- The Impact Area Proposal Including Proposed Land Uses – (Doug Critchfield, Nampa Principal Planner)
- Nampa’s assessment of the Proposal for Factors Required in Idaho State Law for Area of Impact- (Doug Critchfield, Nampa Principal Planner and Daniel Badger, Nampa Engineer)
- Questions and Discussion
- Next Steps

The Nampa planning staff gave a PowerPoint presentation on the expansion request.

Location:

West of the current area of city impact

North – Orchard Avenue

West and South – Lake Avenue to just west of Indiana Avenue to Deer Flat Wildlife Refuge

East – Midway to S. Midland to west of Highway 45

Size: 2,633 Acres

Area of City Impact (Current)	Proposed Area of City Impact Addition	Proposed Area of City Impact Total	Percentage Increase
45,872 acres	2,633 acres	48,505 acres	5.7%

Purpose:

To set a foundation for planning this area in greater detail in coordination with stakeholders, the County, and the City of Nampa. The AOI is an area that Nampa anticipates assuming responsibility for in the future; including the delivery of services. It is not an Urban Growth Boundary or Annexation Plan.

History:

The current Joint Powers Agreement between the City of Nampa and Canyon County was entered into in 2005.

The last time Nampa’s AOI was proposed to be updated was in 2016. The 2016 proposal left out the area to the south, however, Nampa still showed that as a future planning area on their future land use map. After negotiations Nampa and Caldwell agreed to swap several locations because of parcel boundary lines and the availability of services. Nampa, Caldwell, and Canyon County staff agreed to this proposal in 2016. The map shows Nampa’s 2016 proposed AOI request: see three small areas towards the north that were swapped with Caldwell, and the areas to the west, and around the lake.

2016 Proposed AOI Expansion Result:

The only areas Nampa expanded to were the areas swapped with Caldwell and the area that made up Midway Park.

In 2016 Nampa’s City Council denied the request to expand the AOI any further west.

In 2021 Nampa began the process of expanding their AOI after a year of public outreach, negotiations with the County, and several workshops with city council, and the P&Z Commission, staff proposed this map in a January 2022 hearing. The greater southern area was removed as a planning area and this smaller southern area was proposed along with areas to the west and around the lake. Based on public testimony and conversations with landowners in the area, specifically seed and farming industries, there were several ag overlays in that southern portion and it was decided it did not make sense for Nampa to go to the south at all.

Current Area of City Impact Expansion Request

- Nampa is requesting the same area as previously requested in 2016, with the exclusion of two County subdivisions north of the lake, at their request.

- The Nampa City Council approved this proposal in February 2023.

There was a review of the project timeline of Nampa’s public outreach and coordination with Canyon County and neighboring municipalities.

Doug Critchfield reviewed the proposed land uses.

- **AG (Agricultural):** Rural, agricultural and large lot residential parcels or cluster with large open areas.
- Density: 1 or less dwelling units per acre (gross); cluster up to 2.5 DU/acre (gross), lots 4-8,000 sq. ft.
- **LDR (Low Density Residential):** Single-Family detached residential - less rural
- Density: 1.01 to 2.5 dwelling units per acre (gross).
- **RMU - (Residential Mixed Use):** Medium density residential and some neighborhood commercial/low-impact light industrial. Single-family detached, townhouses, duplexes, single-family live/work units, or residential with retail/commercial street level storefronts. The edges should be compatible with existing residential development.
- Density: 2.51 to 8 dwelling units per acre (gross). At least 5%, but no more than 50% of the gross in commercial and/or low impact light industrial.

Idaho Code, Section 67-6526 Area of City Impact Negotiation Procedure, Section ‘b’

In defining an area of city impact, the following factors shall be considered:

- 1) Trade area
- 2) Geographic factors
- 3) Areas that can reasonably be expected to be annexed to the city in the future.
 - a. Current Nampa City Limits are located adjacent to, or within one mile of the proposed AOI expansion area. Development is moving in this direction.
 - b. In the past 5 years, there has been significant interest in developing this area. The density report to the right shows final plat approvals for the Q4 of 2022.

Review of Services the City of Nampa provides:

- Sanitary Sewer
- Domestic Water
- Pressure Irrigation

A copy of the PowerPoint presentation is on file with this day’s minute entry.

Follow-up questions and a roundtable discussion ensued following the presentation.

- Importance of planning, coordination, and collaboration between the city and county.

- The term Ag doesn't mean the same thing to both jurisdictions. Have clarity on preservation of Ag land and be clear on what does that mean for the city vs the county?
 - The intent is to grow denser near the city in-fill and then slowing grow out
 - Does the city have a role in identifying an ag area? If so, another land use designation needs to be added.
- Dan Lister explained the process for the AOI expansion request.
- Renegotiation of the joint powers agreement.
- How will the 2040 comp plan work with the cities vision, how do we compromise and discuss some of the challenging issues?
- Need follow-up conversations with elected officials of the more recent sub-area plans Nampa has adopted.
- County's approval of subdivisions, and the cumulative effect of county-approved developments.

DSD staff asked if there is Board consensus to start the process for the hearings for the expansion area request. Commissioner Brooks said he has sufficient information to proceed. Commissioner Holton appreciates the public process that will have to go through the P&Z Commission because it will determine a lot of things. He requests there be clarity on the differentiation of the term *Ag*, as well as a short primer on what an area of impact means to the people who will be captured by it. Director Minshall said with joint direction it would be great for both groups to work together on that, and if they can get a continuum of what *Ag* means and the different densities, as well as what an area of impact is and what comes next. If a timeline can be created within the next 2-4 weeks they will then schedule a hearing with the P&Z Commission. The Board is agreeable to moving forward. The meeting concluded at 4:50 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 25, 2023

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Raising Our Bar to be used 5/5/23, 5/6/23, 5/7/23, 5/13/23, 5/19/23, 5/20/23, 5/21/23, 5/26/23, 5/27/23 and 5/28/23.
- The Board approved Idaho Liquor Catering Permits for County Line Wine Company LLC to be used 5/12/23 and 5/20/23.
- The Board approved an Idaho Liquor Catering Permit for The Crossings @ Yknot Winery to be used on 5/13/23.

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

The Board met today at 9:32 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel (left at 9:46 a.m.), Deputy P.A. Oscar Klaas (left at 9:39 a.m.), Facilities Director Rick Britton (left at 9:39 a.m.), Lt. Brian Crawforth (left at 9:34 a.m.), Lt. Chad Harrold (left at 9:34 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a Resolution Authorizing the Retirement of CCSO K9 Mina: Mina is 11 years old and has been in service for 9 years. Recently her mobility has become limited and it's the recommendation of CCSO that Mina be retired to her handler who will be taking over care. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution authorizing the retirement of CCSO K9 Mina (see resolution no. 23-060).

Consider Establishing FY23 Canyon County Preliminary Design Services Roster: Each submission has been reviewed by Director Britton and each have expertise in different areas. Seeing as each submission met the required criteria, all 8 will be included on the roster to be used for projects under \$50,000. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to accept the FY23 Canyon County Preliminary Design Services Roster. A letter has been drafted to be signed by the Board notifying each company of the acceptance.

Consider Agreement between Canyon County and Beniton Construction Company, Inc. to act as Construction Manager for Warehouse and Animal Shelter Project: After discussions between both parties this is the contract that has been agreed to. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the agreement between Canyon County and Beniton Construction Company, Inc. to act as Construction Manager for Warehouse and Animal Shelter Project (see agreement no. 23-048).

The action item of signing the agreement with SCS Field Services has been postponed to Friday, April 28, 2023 as the contract has not yet been returned.

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

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:39 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Holton. A vote was taken on the motion with Commissioners Van Beek and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley and COO Greg Rast. The Executive Session concluded at 9:46 a.m. with no decision being called for in open session.

COO Rast updated the Board on the following projects being worked on between the Board and legal:

- ARPA MOU w/CCAD – Mr. Wesley is working on and is probably a couple weeks out.
- Draft resolution for meeting minutes is being worked on
- Resolution setting Fair fees – this is a couple weeks out; drafts documents are being reviewed by Director Sinner and legal
- Fair Advisory Board will be addressed after 2023 Fair
- Vehicle use policy – Mr. Rast is working on this
- PRR workflow – Mr. Rast is working on this and needs to get back with Ms. Klempel
- Insurance and claim handling workflow meeting happened recently with good cooperative efforts.

The meeting concluded at 9:50 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:30 a.m. to consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton, DSD Office Manager Jennifer Almeida (left at 10:33 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a resolution to issue a refund to Andrew D. Patton for a withdrawn temporary residence permit: Ms. Almeida explained this permit was applied for in March 2023 for use of an RV on the property. This is not typically allowed by the County and SWDH has concerns about the septic plan. Mr. Patton has indicated he will reapply once he's had a chance to work further with SWDH. Staff is recommending a refund of \$297.00. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution to issue a refund to Andrew D. Patton for a withdrawn temporary residence permit application (see resolution no. 23-061).

Consider resolutions granting alcoholic beverage licenses:

Consider resolution(s) granting renewal beer/liquor alcoholic beverage licenses to:

- Belle Event Center
- Hong Kong Restaurant
- Craft Lounge (Caldwell)
- Craft Lounge (Nampa)
- 1918 Lounge
- Italianesque
- Firehouse Sports Pub
- Nampa Elks Lodge #1389
- Outback Steakhouse

- Dos Caminos Mexican Restaurant

Commissioner Van Beek made a motion to approve the resolution for renewal beer/liquor alcoholic beverage licenses as listed. The motion was seconded by Commissioner Holton and carried unanimously. See resolution nos. 23-065, 23-066 and 23-068.

Consider resolution(s) granting renewal beer/wine alcoholic beverage licenses to:

- 208 Burger Q
- ItalianToGo Co.
- Taqueria Janitzio
- The Tackle Shop
- Nampa-ADI
- Holy Cow!
- Valhalla Pub
- The Vault 21 Club
- Vape (Nampa)
- Vape (Caldwell)
- Owyhee Motor Sales Inc.
- Little Saigon Vietnamese Restaurant
- Stinker Store #113, Stinker Store #108, Stinker Store #41, Stinker Store #60, Stinker Store #75, Stinker Store #44, Stinker Store #82, and Stinker Store #48
- Lakeshore Market
- Labyrinth Escape Games
- Bud's
- Campos Market Nampa
- The Undiscovered Barrel

Commissioner Van Beek made a motion to approve the resolution for renewal beer/wine alcoholic beverage licenses as listed. The motion was seconded by Commissioner Holton and carried unanimously. See resolution nos. 23-062, 23-063, 23-064 and 23-069.

Consider resolution granting a new beer/liquor alcoholic beverage license to:

- Palace Event Center

Commissioner Van Beek made a motion to approve the resolution for a new beer/liquor alcoholic beverage license for the Palace Event Center. The motion was seconded by Commissioner Holton and carried unanimously. See resolution no. 23-067.

The meeting concluded at 10:35 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY OTONIEL GUZMAN FOR A CONDITIONAL REZONE FROM A RURAL RESIDENTIAL ZONE TO A CONDITIONAL REZONE, SINGLE-FAMILY RESIDENTIAL ZONE, INCLUDING A DEVELOPMENT AGREEMENT, CASE NO. CR2022-0013

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Otoniel Guzman for a conditional rezone of Parcel R27939 from a "R-R" (Rural Residential) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone, Case No. CR2022-0013. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Planner III Michelle Barron, DSD Planner I Maddy Vander Veen, Otoniel Guzman, Rudy Guzman, interested citizens, and Deputy Clerk Monica Reeves. DSD Planner Maddy Vander Veen gave the oral staff report. The request includes a development agreement that limits the number of divisions of the parcel. If approved the owner will proceed with an administrative land division application to divide the parcel into two parcels each being at least one acre. The 2.76-acre property is located at 73 N Robinson Road in Nampa and was created via an administrative land division in 2017. The applicant is proposing two parcels, one being 1-acre and containing the existing residence, and one being 1.75-acres. She reviewed the access, site photos and agency comments. The concept plan proposes an easement on the southern side of the subject property for access to Parcel B. A road users' maintenance agreement will be required prior to building permit issuance. The proposed plan aligns with three goals and six policies within the 2020 comprehensive plan, and it does not align with one goal and one policy. The current surrounding area is within a rural setting with productive farm land and residential parcels. Parcels to the north, south, and west are mostly zoned rural residential, while parcels to the east and south are mostly zoned agricultural, but there are also subdivisions within those agricultural areas. The average lot size within 600 feet of the property is 2.58 acres and the median lot size is 1.19 acres. There are 43 subdivisions within one mile of the subject property with an average lot size of 1.25 acres. The future land use designation is residential. The site is located within a nitrate priority area, and wells in the area have nitrate levels ranging from 0.005 to 5 mg per liter. City services are not available to this location. Parcel B would be served by individual domestic well and septic. The property is irrigated via well. On February 22, 2023 the Hearing Examiner recommended approval of the request subject to draft conditions contained in the development agreement which restrict division of the parcel to no more than two parcels, as well as conditions related to access and highway district requirements. Following her report, Ms. Vander Veen responded to questions from Commissioner Van Beek.

Rudy Guzman said they are seeking a rezone so they can obtain a building permit. They have received approval from the highway district and they are aware that if they add another property they will have to expand their entry and a maintenance plan will be required when they apply for a building permit. They are not running a business or doing anything agriculture-related on the property and it should not affect any future entries or subdivisions. If they get a permit they will demolish what needs to be done so it can be to code.

Zach Derkach lives near the subject property and offered neutral testimony regarding the current easement. He wants to know if it has to be updated prior to the property split approval, or does it happen after? Currently they have a 20 x 20 easement agreement for properties located at 65 and 73 N. Robinson and he wants to know how they proceed to update the agreement and when

should that be updated. Ms. Vander Veen said the road users' maintenance agreement will need to be updated and they would likely put a condition on the admin land division stating that they will need to update it prior to the C of O on the building permit for the house on Parcel B. (Condition No. 2C requires the road users' maintenance agreement prior to submittal of the administrative land division.) Commissioner Van Beek and Commissioner Brooks had questions regarding the shared access. Mr. Derkach said they have spoken to the Guzmanns about getting something written for the shared access. Planner Vander Veen said road users' maintenance agreements are not required until the certificate of occupancy, but with the conditions on this case it would require it prior to the administrative land division. Mr. Derkach said wants a formal document stating this area is shared between the three properties as an access. He isn't necessarily looking for a financial compensation, but he wants conditions he can agree to. Commissioner Van Beek had follow-up questions and comments about the shared access.

Rebuttal testimony was offered by Rudy Guzman who said it's his understanding that before the permit gets assigned all of this has to be on paper. Commissioner Holton said that is correct and the easement has to be figured out and documented and agreed upon before the land is split. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Holton would like more specificity on cases a city is opposing and the rationale behind the opposition as well as a statement about what the distance from the nearest public services they would have provided and estimate whether it's greater than 1 or 2 years before those services could be at the property in question. He said this is a frustrating area and he wants to work more in conjunction with the City of Nampa knowing this is going to be within the city limits in the near future so he wants to work together in a coordinated effort. Commissioner Van Beek said they are not in support of the application and given the distance from services it would be too costly to bear that cost. This area is scheduled to be residential and they wanted a pre-annexation agreement. Commissioner Holton understands the rationale, but in terms of both distance and time this is so far to public services the pre-annexation agreement is way before its time. Commissioner Van Beek supports the application and recommendation of the Hearing Examiner. The size of the lots are commensurate with the surrounding area and she recommends the Board approve the request with a development agreement. Commissioner Brooks wants to make sure the applicant understands there needs to be a paved apron and there will be maintenance and expenses that need to be figured out. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve Case No. CR2022-0013, a conditional rezone of Parcel R27939, which is approximately 2.76-acres from an "R-R" (Rural Residential) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone subject to the conditions of a development agreement as presented in the staff report. (Ordinance No. 23-003 and Agreement No. 23-049.) The hearing concluded at 2:13 p.m. An audio recording is on file in the Commissioners' Office.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Ed Campos, Journeyman HVAC; Bradley Banks, Journeyman HVAC; and Louis C. Munoz Arana, Juvenile Detention Officer.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Core & Main in the amount of \$30,660.89 for the Solid Waste department
- River Rock in the amount of \$12,510.00 for the Solid Waste department

CONSIDER SIGNING LEGAL SERVICES AGREEMENT WITH CASTLETON LAW, PLLC

The Board met today, April 26, 2023 at 10:03 a.m. to consider signing legal services agreement with Castleton Law, PLLC. Present were: Commissioners Leslie Van Beek and Brad Holton, Chief Deputy P.A. Carl Ericson, HR Director Kate Rice and Deputy Clerk Jenen Ross. Mr. Ericson explained that Castleton Law will work with the county specifically relating to the Idaho Human Rights complaint that was recently received regarding a hiring issue in the Development Services department. Additionally, Castleton Law will be able to represent the county if the case goes to litigation. Mr. Ericson noted that the agreement is for \$175/hour and that exhibit 'A' was missed and still needs to be initialed by Mr. Castleton which he will contact him about. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the legal services agreement with Castleton Law, PLLC (see agreement no. 23-050).

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

APRIL 2023 TERM

CALDWELL, IDAHO APRIL 27, 2023

APPROVED CLAIMS

- The Board has approved claims 594061 to 594093 in the amount of \$52,974.56

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

The Board met today, April 27, 2023 at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas (left at 9:35 a.m.), Facilities

Director Rick Britton (left at 9:35 a.m.), COO Greg Rast, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing legal notice and request for qualifications for Design/Engineering Services for the County Elections Building Project: This is the first step in the RFQ process for architectural design services. Once the architectural design is complete the CMGC process will begin. Upon the motion of Commissioner Brooks and second by Commissioner Holton the Board voted unanimously to sign the legal notice requesting qualification statements for design/engineering services for the County Elections Building Project. Commissioner Brooks made a secondary motion to sign the request for qualifications for design/engineering services for the County Elections Building project. The motion was seconded by Commissioner Holton and carried unanimously.

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

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Brooks made a motion to go into Executive Session at 9:36 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Holton. A vote was taken on the motion with Commissioners Brooks and Holton voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley and COO Greg Rast. The Executive Session concluded at 10:01 a.m. with no decision being called for in open session.

The meeting concluded at 10:01 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today April 27, 2023 at 10:30 a.m. to consider action items. Present were: Commissioners Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson (left at 10:33 a.m.), Clerk Chris Yamamoto, Controller Zach Wagoner, COO Greg Rast, Rachelle Klein with Republic Services, Hubert Osborne, Brent Orton with the City of Caldwell, Russ Shroll, Tom Points, Doug Amick with the City of Greenleaf, Sherri Amick, Dave Murray with Middleton City Council and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider FY23 Pickles Butte Sanitary Landfill Dust Control System Project Agreement with Desert View Construction Inc.: Following review of the solicitation of interest on this project, Desert View Construction Inc. was the low bidder that met all the required criteria with a bid amount of \$214,945.00. Mr. Ericson noted that in the 'Time of Performance' portion of the contract the original start date changed from April 24, 2023 to May 1, 2023 with a completion date to be no later than September 30, 2023. Upon the motion of Commissioner Brooks and second by Commissioner Holton the Board voted unanimously to sign the FY23 Pickles Butte Sanitary Landfill

Dust Control System project agreement with Desert View Construction, Inc. (see agreement no. 23-051).

Consider resolution appointing members to the SWAC: This Board will provide input and oversight in regard to the landfill and potential transfer station. The following people will be appointed as members of the SWAC:

District 1 – David Murray	2-year term expiring September 30, 2025
District 2 - Russ Shroll:	2-year term expiring September 30, 2025
District 3 – Hubert Osborne:	2-year term expiring September 30, 2025
Tom Points, City of Nampa:	2-year term expiring September 30, 2025
Brent Orton, City of Caldwell:	2-year term expiring September 30, 2024
Vacant-TBD, City of Middleton:	2-year term expiring September 30, 2024
Doug Amick, Parma/Wilder/Greenleaf:	2-year term expiring September 30, 2024

Upon the motion of Commissioner Brooks and second by Commissioner Holton the Board voted unanimously to sign the resolution appointing members to the SWAC (see resolution no. 23-070).

The meeting concluded at 10:41 a.m. and an audio recording is on file in the Commissioners' Office.

CONSIDER UPDATED ORDINANCE TO CORRECT LEGAL DESCRIPTION CONTAINED WITHIN ORDINANCE NO. 21-015 (CASE NO. CR2019-0016)

The Board met today, April 27, 2023 at 11:00 a.m. to consider an updated ordinance to correct legal description contained within ordinance no. 21-015 (Case no. CR2019-0016). Present were: Commissioners Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, DSD Planner Deb Root, DSD Planner Sage Huggins and Deputy Clerk Jenen Ross. This is a case from 2019 in which an error occurred in the legal description. In 2019, the applicant wanted to cut a small portion of a lot out because it relates to another parcel they owned that was not part of the greater project. It's a small section used as a dirt bike/go-kart track that goes from their main lot into their secondary lot that has since been resold. In the previous hearing the intention was to exclude this small portion from the rezone, it was never intended to be rezoned to residential, it was always meant to stay as agricultural. However, at the time the wrong legal description was used. Mr. Wesley explained that in talking with DSD staff he didn't feel it was necessary to go thru another hearing process because it was all in the original record that the intent was to exclude this small section. With the Board's approval of the amended ordinance a corrected legal description would go into effect which will remove the small parcel. Commissioner Brooks made a motion to sign the updated ordinance to correct the legal description contained within ordinance no. 21-015 relating to case no. CR2019-0016 for parcel no. R37629013A. the motion was seconded by Commissioner Holton and carried unanimously (see ordinance no. 23-004).

The meeting concluded at 11:06 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today, April 27, 2023 at 11:06 a.m. to consider action items. Present were: Commissioners Brad Holton and Zach Brooks and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider resolution(s) granting renewal beer/wine alcoholic beverage licenses to the following:

- County Line Wine Company
- McCain Pub
- Tacos El Reay Restaurant #5
- Idaho Pizza Co. (Idaho Center Blvd)
- Idaho Pizza Co. (Cleveland Blvd)
- Idaho Pizza Co. (W. Iowa)
- Super C

Upon the motion of Commissioner Brooks and second by Commissioner Holton the Board voted unanimously to approve the resolutions granting renewal beer/wine alcoholic beverage licenses as listed on the agenda (see resolution no. 23-072).

Consider resolution(s) granting renewal beer/liquor alcoholic beverage licenses to the following:

- Indian Creek Steakhouse
- La Michoacana
- OVG Hospitality (3rd Street)
- OVG Hospitality (Idaho Center Blvd)
- T.G.I. Friday's
- TNT's Dynamite Bar & Grill
- Chop Shop

Upon the motion of Commissioner Brooks and second by Commissioner Holton the Board voted unanimously to approve the resolutions granting renewal beer/liquor alcoholic beverage licenses as listed on the agenda (see resolution no. 23-071).

The meeting concluded at 11:08 a.m. and an audio recording is on file in the Commissioners' Office.

APRIL 2023 TERM
CALDWELL, IDAHO APRIL 28, 2023

MEETING TO CONSIDER AGENDA ITEMS

The Board met today, April 28, 2023 at 9:30 a.m. to consider agenda items. Present were: Commissioners Leslie Van Beek and Brad Holton, Chief Deputy P.A. Carl Ericson, Solid Waste Director David Loper (left at 9:33 a.m.), HR Director Kate Rice, COO Greg Rast and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider Agreement with SCS Field Services for Installation of Gas Collection System and Flare Station Components Project at the Pickles Butte Sanitary Landfill: Per Director Loper, this company does a lot of landfill engineering work. The contract is for \$2,614,806 and Director Loper recommends signing the contract; legal has reviewed this and feels this is the proper company. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the agreement with SCS Field Services for installation of gas collection system and flare station components project at the Pickles Butte Sanitary Landfill (see agreement no. 23-052).

The Board took a brief recess from 9:33 a.m. to 9:42 a.m. Once back on the record, the Board took up the following action item:

Consider Release Agreement for the Weed and Pest Department: This agreement has been reviewed by HR and legal and both are supportive of it. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the release agreement for the Weed and Pest department (see agreement no. 23-053).

The meeting concluded at 9:43 a.m. and an audio recording is on file in the Commissioners' Office.


DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures. A copy of the completed tour/inspection form is on file with this day's minute entry.

THE MINUTES OF THE FISCAL TERM OF APRIL 2023 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 27th day of June, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS



Commissioner Leslie Van Beek



Commissioner Brad Holton



Commissioner Zach Brooks

ATTEST: CHRIS YAMAMOTO, CLERK

By: Ross, Deputy Clerk