

APPROVED CLAIMS

- The Board has approved claims 596130 to 596178 in the amount of \$202,502.24
- The Board has approved claims 596179 to 596220 in the amount of \$16,326.89
- The Board has approved claims 596257 to 596288 in the amount of \$203,709.21
- The Board has approved claims 596340 to 596368 in the amount of \$16,243.77

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Kim Dickson, Emergency Technical Services Manager; and Jarid Alan Henman, Deputy Sheriff – Patrol 41006.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:15 a.m. to consider agenda items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson (left at 9:51 a.m.), Deputy P.A. Zach Wesley (left at 9:51 a.m.), Chief Deputy Treasurer Jennifer Mercado (left at 9:51 a.m.), Deputy Treasurer Tanya May (left at 9:51 a.m.), Chief Deputy Assessor Joe Cox and Deputy Clerk Jenen Ross. The agenda items were taken up as follows:

***Discussion regarding property offer pertaining to Parcel 34980000 0, Pond Lane and Action item to consider issuing decision on property offer submitted for Parcel 34980000 0, Pond Lane:***

Mr. Cox gave a description of the property noting that it is essentially land-locked with a couple exceptions such as accessing the parcel via river access or thru an easement. Discussion ensued regarding the best way to dispose of this property which was taken for tax deed in 1942. Commissioner Holton is not in favor of accepting the offer from Mills and Co. for \$10,000 – he doesn't feel like he has all the pertinent information to make a decision. Commissioner Brooks feels that in the free-market, the property is only worth what someone will pay for it and in all these years no one has purchased it. Commissioner Van Beek feels the offer is a good one and is in favor of selling. Mr. Cox noted that at the most recent auction, the minimum bid was \$196,000 which may have contributed to the lack of offers. He suggested that perhaps the property could be again offered at auction but with a \$0 minimum. Commissioners Brooks and Holton were receptive to this idea as it gives everyone the same opportunity and there could be no perception of preference. Commissioner Van Beek said she is still in favor of accepting the offer.

Commissioner Van Beek made a motion to sell the land to the offer made by Mills and Co. for \$10,000. The motion died for lack of a second.

Commissioner Holton made a motion to follow the suggestion made by Mr. Cox to offer the property at auction with a minimum bid of \$0. Commissioner Brooks seconded the motion noting there may need to be additional discussion in executive session. On the advice of legal counsel, Commissioner Holton withdrew his motion.

*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 9:32 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 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, Chief Deputy Treasurer Jennifer Mercado, Deputy Treasurer Tanya May and Chief Deputy Assessor Joe Cox. The Executive Session concluded at 9:46 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Brooks made a motion to offer the property at auction with no floor and instructed all relevant parties to work to move this forward. The motion was seconded by Commissioner Holton. A vote was taken with Commissioners Brooks and Holton voting in favor of the motion and Commissioner Van Beek voting in opposition as she is in favor of just selling the property. The motion carried in a 2-to-1 split vote.

Further discussion ensued regarding conducting the auction by sealed bid vs. public auction. Mr. Wesley said he will research the guidelines on tax deed auctions.

The meeting concluded at 9:52 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER HR RESOLUTIONS FOR THE SHERIFF'S OFFICE

The Board met today at 10:00 a.m. to consider HR resolutions for the Sheriff's Office. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy Sheriff Doug Hart, Captain Chuck Gentry, Captain Harold Patchett, Captain Ray Talbot, HR Director Kate Rice, HR Generalist Cindy Lorta, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Action Item: Consider resolution to reclassify Data Analyst Technician Position to Emergency Technical Services Manager*** - Chief Hart said the Sheriff's Office renamed their IT Department to Emergency Technical Systems (ETS) and they transferred a sergeant to security services and used the sergeant position to create a third captain position. Of the five remaining employees, one was

clearly the right choice to become the ETS Manager and that person is Kim Dickson and they felt a salary adjustment needs to be made to reflect the fact she is supervising four other employees and has significant responsibilities. The resolution today retitles the PCN and adjusts the salary to a base salary of \$91,000. (The total salary would be \$93,600, which includes a \$2,600 on-call pay that's not part of the base salary.) COO Rast offered comments in support of the request and explained how the position works with the County IT Department. An MOU will formalize the relationship between the Sheriff's Office ETS and the County IT Department who will provide the oversight to the Sheriff's Office as they move forward in staying on top of the technological requirements of CCSO. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the change in job title, job description of one position in the Sheriff's Office from a data analyst technician position to an emergency technical services manager with a salary of \$91,000 with on-call specialty pay. (Resolution No. 23-179.)

***Action Item: Consider resolution to increase K-9 pay for K-9 Handlers in the Sheriff's Office*** - Chief Hart said for various positions in the Sheriff's Office there is a specialty pay attached to address the additional hours worked by virtue of those positions. For the K-9 handlers they work with the animals throughout the lifespan of the animal's service and when the animal is retired the handlers keep and care for them until the end of their lives and for the K-9 handlers that is an extra duty every single day. They looked at pay across the nation and found they were grossly underpaying as it relates to K-9 specialty pay so they felt the best way to address the drastic shortfall is to offer a flat rate of \$500 per month starting October 1, 2023. The current specialty pay is \$2,300; and the request is for an additional \$3,700 for a new specialty pay rate of \$6,000. Following comments, Commissioner Van Beek made a motion to approve the specialty pay for the k-9 handlers with the anticipated implementation date of October 1, 2023. (Resolution No. 23-180.) The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER FY2024 FUNDING REQUESTS FOR COMMUNITY GROUPS

The Board met today at 10:30 a.m. to consider the FY2024 funding requests for community groups. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, and Deputy Clerk Monica Reeves. The requests were summarized as follows:

**Advocates Against Family Violence (AAFV) requested \$76,953** (\$50,000 plus \$26,953 for construction cost overruns)

Commissioner Van Beek spoke of the services AAFV offers to the community and said she is in support of the full funding amount. Commissioner Holton concurs said AAFV clearly demonstrates it's an efficiency for the County and a safety net for people and it comes at a lesser cost than if the County tried to provide the services. Additionally, the Prosecutor supports it as well. Commissioner Brooks concurs with the statements of the other Commissioners. Upon the motion

of Commissioner Holton and the second by Commissioner Van Beek, the Board acknowledged it would commit to the funding for AAFV.

**Caldwell Veterans Council requested \$38,400**

Commissioner Van Beek said by state statute the County provides funding for Veterans services, and the request has historically been \$32,000. There was discussion regarding the services the organization provides as well as this year's increased funding request. Commissioner Holton has toured the facility and found it to be impressive. Commissioner Brooks is grateful the building exists and that they have volunteers to help. The Board is supportive of funding at least \$32,000, but it wants to know what the additional funds will be used for if it decides to approve the increased amount to \$38,400. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to continue this matter to a later date where they will consider the full funding amount.

**Canyon Soil Conservation District requested \$25,000**

Commissioner Holton said their efficiency helps our quality of life and our agricultural industry and he supports the funding request. Commissioner Van Beek agrees. Commissioner Brooks said there's no question that the soil conservation district provides a benefit to the community as do the other groups who have asked for funding but for him it is a question of whether the Board should be taxing the citizens and giving funding to private entities. He is in favor of continuing to fund them but it's a matter of the increase. Commissioner Van Beek supports Commissioner Brooks' points and she needs to refresh her memory and have clear reasons on the record on why the Board would approve an increase. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to defer this and continue this item to a later date and be more articulate in our points.

**Genesis Community Health requested \$150,000**

Commissioner Brooks said this is an excellent organization doing God's work in the community. The Board is being asked for a lot of positions and County government is predominately a service-level of government, and he would rather see tax dollars going to improve the quality of service provided at the County rather than to this organization. He is not in favor of funding the request by Genesis Community Health. Commissioner Holton said it does not meet the threshold of demonstrating a current County service that we are engaged in, nor does it meet the funding criteria. Commissioner Van Beek said they do great work, but in Title 31 the provision of medical services falls under indigency which the state has now assumed. It will be a difficult position because they are trying to reach out in an altruistic way and faith-based organizations help those less fortunate, and it is a good cause. Commissioner Holton said they moved to Garden City so this operation is out of county and he has great pause about spending funds on an organization that is not physically here and the clients they work with do not have the immediacy of mobility to go to Garden City and participate. Further discussion ensued. Commissioner Brooks said it would be more appropriate for the organizations to ask the community for donations to help fund their budgets rather than asking for County tax dollars. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to not approve the funding request for Genesis Community Health.

Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to schedule the remaining organizations who are requesting funding to later this week. The meeting concluded at 11:03 a.m. An audio recording is on file in the Commissioners' Office.

JULY 2023 TERM  
CALDWELL, IDAHO JULY 5, 2023

#### APPROVED CLAIMS

- The Board has approved claims 596289 to 596339 in the amount of \$72,048.35
- The Board has approved claims 596221 to 596256 in the amount of \$692,084.60
- The Board has approved claims 596391 to 596411 in the amount of \$12,111.00
- The Board has approved claims 596412 to 596433 in the amount of \$31,209.10
- The Board has approved claims 596434 to 596475 in the amount of \$66,551.35
- The Board has approved claims 596476 to 596478 in the amount of \$13,442.08

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ProjectManager.com in the amount of \$15,325.20 for the Information Technology department (PO #5647)
- Curtis Blue Line in the amount of \$2728.50 for the Sheriff's Office (PO #5676)

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Casa Robles to be used 7/15/23.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR WALMART STORES, INC. (PROTEST NOS. 23088, 23089, 23090, 23091, 23092, AND 23093)

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:04 a.m. to conduct a property tax assessment protest hearing for Walmart Stores, Inc., 2780 - Protest No. 23088; Walmart Stores, Inc., US04494 - Protest No. 23089; Walmart Stores, Inc., US04180 - Protest No. 23090; Walmart Stores, Inc., #3739 - Protest No. 23091; Walmart Stores, Inc., Gas Station - Protest No. 23092; Walmart Stores, Inc., 2781 - Protest No. 23093. (PIN: 64934377 0, 64941347 0; 64941148 0; 64936097 0; 64937680 0; and 64934376 0.) Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Assessor Brian Stender, Appraisal Supervisor Greg Himes, Appraiser Dawn Houghton, and Deputy Clerk Monica Reeves. The appellant was not present for

today's hearing; however, they sent a letter dated June 29, 2023 which stated they are in discussions with the Assessor's Office and have asked the Board to uphold the Assessor's value reserving the right to take the appeal to the Board of Tax Appeals if an agreement cannot be reached. Appraiser Dawn Houghton stated she has been working with Walmart to come to some conclusions on their values for their business personal property taxes, and they have requested the County uphold the value but they want to reserve their right to take the matters to the Board of Tax Appeals if they are unable reach a resolution. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to uphold the values on Walmart Stores, Inc., for Protest Nos. 23088, 23093, 23090, 23092, 23089, and 23091, as per the written request from Walmart received by the Board and the Assessor's office on June 29, 2023. The hearing concluded at 9:08 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION - AMAZON.COM SERVICES, INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:05 a.m. to conduct a property tax assessment protest hearing for Amazon.com Services Inc., protest no. 23071, PIN 62222205 0. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraiser Dawn Houghton, Brigit DuBois on behalf of Amazon, Assessor staff members, and Deputy Clerk Monica Reeves. Brigit DuBois offered testimony in support of the protest application. Dawn Houghton and Joe Cox offered testimony on behalf of the Assessor's Office. Following testimony and Board comments, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 11:25 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – CF HIPPOLYTA NAMPA, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:27 a.m. to conduct a property tax assessment protest hearing CF Hippolyta Nampa, LLC, protest no. 23075, PIN 30481012 0. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Appraiser Dawn Houghton, Brigit DuBois on behalf of Amazon, Assessor staff members, and Deputy Clerk Monica Reeves. Brigit DuBois offered testimony in support of the protest application. Mike Cowan and Joe Cox offered testimony on behalf of the Assessor's Office. Following testimony and Board questions, discussion and deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 12:08 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR FARGO COMMUNITY CHURCH

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:40 p.m. to conduct a property tax assessment protest hearing for Fargo Community Church, protest nos. 23042 and 23043. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Business Manager Jennifer Loutzenhiser, Administrative Analyst Helena Thompson, Sr. Property Appraiser Darryl Spieser, Chief Deputy Assessor Joe Cox, Other Assessor's Office Staff, Lorene and David Alley, David Cadwell, Wendy Coome, Bart Cochran and Deputy Clerk Jenen Ross. Mr. and Ms. Alley offered testimony in support of their protest applications. Jennifer Loutzenhiser offered testimony on behalf of the Assessor's Office. For protest no. 23042, Commissioner Van Beek made a motion to grant the exemption. The motion was seconded by Commissioner Brooks. Following additional questions regarding the portion of the property to be exempted, Commissioner Van Beek withdrew her motion. A subsequent motion was made by Commissioner Brooks to grant an exemption to the one-acre parcel that was previously exempted. The motion was seconded by Commissioner Van Beek and carried unanimously. For protest no. 23043, Commissioner Van Beek made a motion to grant the exemption. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 2:01 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR NAMPA VALLEY GRANGE #131

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:02 p.m. to conduct a property tax assessment protest hearing for Nampa Valley Grange #131, protest no. 23124. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Business Manager Jennifer Loutzenhiser, Administrative Analyst Helena Thompson, Sr. Property Appraiser Darryl Spieser, Chief Deputy Assessor Joe Cox, Other Assessor's Office Staff, David Cadwell, Wendy Coome, Bart Cochran and Deputy Clerk Jenen Ross. Ms. Coome offered testimony in support of the protest application. Jennifer Loutzenhiser offered testimony on behalf of the Assessor's Office. Following testimony and Board questions, discussion and deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 2:13 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR LEAP CHARITIES, INC.

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:14 p.m. to conduct a property tax assessment protest hearing for Leap Charities, Inc, protest no. 23037. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A.

Carl Ericson, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Business Manager Jennifer Loutzenhiser, Administrative Analyst Helena Thompson, Sr. Property Appraiser Darryl Spieser, Chief Deputy Assessor Joe Cox, Other Assessor's Office Staff, David Cadwell, Bart Cochran and Deputy Clerk Jenen Ross. Mr. Cochran offered testimony in support of the protest application. Jennifer Loutzenhiser and Joe Cox offered testimony on behalf of the Assessor's Office. Following testimony and Board questions, discussion and deliberation, Commissioner Brooks made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 2:41 p.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR 3900 OVERLAND LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:42 p.m. to conduct a property tax assessment protest hearing for 3900 Overland LLC, protest nos. 23069 and 23070. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Business Manager Jennifer Loutzenhiser, Administrative Analyst Helena Thompson, Sr. Property Appraiser Darryl Spieser, Other Assessor's Office Staff, David Cadwell and Deputy Clerk Jenen Ross. Mr. Cadwell offered testimony in support of the protest applications. Darryl Spieser and Mike Cowan offered testimony on behalf of the Assessor's Office. Following testimony and Board questions, discussion and deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 3:08 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER AN ACTION ITEM

The Board met today at 3:29 p.m. to consider an action item. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, HR Director Kate Rice, HR Generalist Jennifer Allen, Director of Juvenile Probation Elda Catalano, COO Greg Rast and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider resolution adopting changes to the job title of one (1) position; the job title, job description and salary range of one (1) position and the job title and job description of sixteen (16) positions in Juvenile Probation:*** Director Catalano provided an explanation of the changes being considered and spoke about the employee being promoted. Commissioner Van Beek made a motion to adopt the changes to the job title of one position and the job title, job description and salary range of one position and the job title and job description of sixteen positions in Juvenile Probation as follows: one Unit Supervisor to one Division Supervisor with no change in salary, same salary range; one Juvenile Probation Officer to one Juvenile Probation Officer III with a change in salary of \$2471.38 annually; six Juvenile Probation Officers are going to be moved to Juvenile Probation Officer I status with no salary impact; two Juvenile Probation Officers to two Juvenile Probation Officer II, no salary impact with this change; one Community Service Officer moved to a Juvenile

Probation Officer III with no salary impact; one Intake Officer will move to one Juvenile Probation Officer III with no salary impact; one Juvenile Probation Training Coordinator will move to a Juvenile Probation Officer III with no salary impact; one Presentence Investigator will move to a one Juvenile Probation Officer [III] with no salary impact; four Sr. Juvenile Probation Officers will move to Juvenile Probation Officer III with no salary impact. The motion was seconded by Commissioner Brooks and carried unanimously (see resolution no. 23-181). The meeting concluded at 3:40 p.m. and an audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER FY2024 FUNDING REQUESTS FOR COMMUNITY GROUPS

The Board met today at 4:05 p.m. to consider issuing a decision regarding FY2024 funding requests for community groups. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, and Deputy Clerk Monica Reeves. As part of today's discussion, the Board reviewed a worksheet that contained information from community groups who have requested funding from the County. The requests are summarized as follows:

**Advocates Against Family Violence requested \$76,953**, and it was approved by the Board on July 3, 2023.

**Genesis Community Health requested \$150,000**, but the Board denied the request on July 3, 2023.

**Caldwell Veterans Council requested \$38,400** which is an increase of \$6,400 over last year's amount and it was inflationary increase valued at 20%. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to reduce the amount to \$4,500 for a total approved amount of \$36,500.

**Canyon Soil Conservation District requested \$25,000** which included a \$10,000 inflationary increase to cover the costs for community programs (cover crops and no-till drill). Commissioner Van Beek believes the \$10,000 increase over last year's amount is too much and she made a motion to approve a total funding amount of \$20,000. Commissioner Holton agreed with the increase of \$5,000 and said next year he would like the district to show the Board what the increase was used for and the Board could consider something different next year. The motion was seconded by Commissioner Holton and carried unanimously.

**Valley Regional Transit requested \$74,767**. Commissioner Holton, who is also the Mayor of Greenleaf, said the Greenleaf City Council chose to fully fund the request which is significantly less than the County's portion. Their match dollars are five-to-one and he is aware of a program they want to start which is similar to a government-started Uber program or a taxi service that will target people in rural Canyon County. He proposed a funding amount of \$50,000. Commissioner Van Beek said they are proposing a different model where the routes they historically tried were not successful. Discussion ensued. Commissioner Brooks said with the vast majority (85%) of the ridership being in the City of Boise and Canyon County mostly being in the cities of Nampa and Caldwell, who are contributing significantly to this, he does not support funding for VRT at this

time. Commissioner Van Beek said she supports it given that federal dollars have already been allocated and this is a pilot program and she is willing to give it a shot at the reduced amount of \$50,000. Commissioner Holton made a motion to approve funding in the amount of \$50,000. Commissioner Van Beek seconded the motion. The motion carried by a two-to-one split vote with Commissioner Brooks voting in opposition to the motion.

**West Valley Humane Society requested \$425,000.** Commissioner Holton said it is part of the Facilities budget and the Board is going to stay status quo at last year's funding amount of \$200,000. The Board is in the process of asking for additional information from the humane society that's operating the shelter. Commissioner Holton made a motion to stay status quo at the \$200,000 amount. Commissioner Brooks supports the \$200,000 amount especially since we have a lease/funding agreement in play. Commissioner Van Beek said the organization is in the process of restructuring and the community has been very happy them, and she then seconded the motion. The motion carried unanimously.

**COMPASS requested \$125,110.** Commissioner Brooks said COMPASS is the metropolitan planning organization that the federal government requires that we have in place to receive federal funding for transportation in the area. Canyon County's contribution amount is \$125,110 and we are required to pay it if we want to maintain membership. He serves on the COMPASS finance committee and will learn more about whether the compensation plan for COMPASS employees will impact the \$125,110 amount or if it's a fixed amount. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve funding in the amount of \$125,110.

**Treasure Valley Partnership requested \$5,580.** Commissioner Brooks said TVP is a partnership of all the political subdivisions in the area and its main function is to organize and fund a United States special prosecutor to provide federal prosecution of drug and firearm violations commonly associated with gang activity in the area. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to approve the funding amount of \$5,580.

**Southwest District Health requested \$2,337,527.** Commissioner Brooks serves on the SWDH Board and its budget has already been approved, and this year's amount represents an increase of \$80,000-\$90,000 over last year. Canyon County is the most populous county in the district with the highest property values so we pick up the lion's share of what counties contribute to SWDH. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the funding amount of \$2,337,527.00.

AGENCY	FY2024 Requested Amount	FY2024 Approved Amount
Advocates Against Family Violence	\$76,953.00	\$76,953.00
Caldwell Veterans Council	\$38,400.00	\$36,500.00
Canyon Soil Conservation Dist.	\$25,000.00	\$20,000.00
Genesis Community Health	\$150,000.00	\$0.00

Valley Regional Transit	\$74,767.00	\$50,000
West Valley Humane Society	\$425,000.00	\$200,000
COMPASS	\$125,110.00	\$125,110
Treasure Valley Partnership	\$5,580.00	\$5,580.00
Southwest District Health	\$2,337,527.00	\$2,337,527.00

Miscellaneous:

The following organizations submitted applications for funding requests for FY2024: Jannus (\$20,000); Metro Community Services (\$125,000); and Nampa Family Justice Center (\$74,870.64); however, they were not granted meetings to present to the Board. Commissioner Holton said the Board had a standard for funding requests where the groups had to demonstrate they were picking up a service that the County would have to do already and that they were able to do it more efficiently and at a lesser cost. He said Jannus, Metro Community Services, and Nampa Family Justice Center are not in the County's direct purview and we are not statutorily required to do any of that so the Board has decided the groups do not meet the metric. The three agencies will receive a letter stating the County is unable to fund their requests.

Commissioner Van Beek said the Board moved the funding for Boise Valley Economic Partnership to the Development Services Department budget last year or the previous year. The organization brings economic opportunities and keeps the Board in the loop, and the DSD Director attends those meetings and feels it is the appropriate amount that should be funded. *The Board did not receive a funding application from BVEP.*

Third District Youth Court did not receive a funding application this year, however, when they reached out they were advised the expense should be under the Prosecuting Attorney's budget. When PA Taylor presented his budget, he increased the ask from \$10,000 to \$20,000 for the Youth Court and the Board will be addressing that. Commissioner Holton said PA Taylor concurred that it should be under his budget. Commissioner Van Beek said other organizations that solicit the County that are directly tied to the standard the Board sets should be issued one check so they have control once the funds are approved.

Western Alliance for Economic Development did not submit a funding request for FY2024. Commissioner Holton said he needs to obtain further information from WAED; they made a verbal representation but they have not followed it up with a written document. Commissioner Van Beek said there was value in the WAED position for grant writing purposes and the County could potentially use a grant writer so the Board will hold it open for discussion. Commissioner Holton said with the way WAED is going to restructure itself the County will be able to participate fully, and it won't just be to a satellite organization. The meeting concluded at 4:34 p.m. An audio recording is on file in the Commissioners' Office.

APPROVED CLAIMS

- The Board has approved claim 596479 in the amount of \$14,338.05
- The Board has approved claims 596369 to 596390 in the amount of \$30,006.36
- The Board has approved claim 596480 in the amount of \$661.20

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Elevate in the amount of \$15,035.00 for the Information Technology department (PO #5648)
- Cardio Partners in the amount of \$7,666.96 for the Sheriff's Office (PO #5684)

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Tina Jones, Housekeeping Supervisor.

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

The board met today at 9:38 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, Prosecutor Bryan Taylor (left at 10:19 a.m.), Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Controller Zach Wagoner, Chief Deputy Sheriff Doug Hart (left at 9:45 a.m.), Cpt. Ray Talbot (left at 9:45 a.m.), EOM Christine Wendelsdorf (left at 9:45 a.m.), Director of SWDH Nikki Zogg and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider Agreement with High Focus, LLC, for Development and Implementation of Canyon County Incident Management Team:*** Ms. Wendelsdorf explained this is for 9 training classes – planning will happen during the remainder of 2023 and training will happen between March and July of 2024. Once the schedule is complete the Sheriff's Office will reach out to other area agencies for participation. This training will be paid for with grant funds over a two-year period. The idea is that this will encompass multiple agencies and different areas of expertise in order to have a team to respond to large scale emergencies vs. just a few people within the Sheriff's Office. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the agreement with High Focus, LLC, for development and implementation of a Canyon County Incident Management Team (see agreement no. 23-074).

The Board recessed from 9:45 a.m. to 9:49 a.m.

***Consider IDOC Pre-Prosecution Diversion Grant:*** Prosecutor Taylor explained this document is still being negotiated with IDOC; some of the items still being worked thru include an “out” clause, indemnification and some of the accounting requirements. The purpose of this grant is to divert individuals before they get too far into the criminal justice system. The original grant amount applied for was about \$500,000 but recently the county was notified that \$1.8M would be awarded. There is no financial impact on Canyon County residents but it will greatly benefit the residents of Canyon County. Controller Wagoner spoke about the accounting portion as requested by IDOC and what some of those challenges might be. Mr. Taylor addressed several questions posed by Commissioner Van Beek and Dr. Zogg provided information on what SWDH’s role in this grant will be. Following discussion Prosecutor Taylor will continue negotiations with IDOC and bring the documents back at a later time.

*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 AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 10:19 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) regarding records exempt from public disclosure, to communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. 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 and Deputy P.A. Zach Wesley. The Executive Session concluded at 10:26 a.m. with no decision being called for in open session.

The meeting concluded at 10:26 a.m. and an audio recording is on file in the Commissioners’ Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR GATEWAY CROSSING APARTMENTS LLC AND NEIGHBORHOOD HOUSING SERVICES, INC. DBA NEIGHBORWORKS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:33 a.m. to conduct a property tax assessment protest hearing for Gateway Crossing Apartments and Neighborhood Housing Services, Inc. dba Neighborworks, protest nos. 23039 and 23038. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Business Manager Jennifer Loutzenhiser, Administrative Analyst Helena Thompson, Sr. Property Appraiser Darryl Spieser, Commercial Appraiser Kevin Sorensen, Other Assessor’s Office Staff, Michael Shepard and Deputy Clerk Jenen Ross. Mr. Shepard offered testimony in support of the protest applications.

Jennifer Loutzenhiser offered testimony on behalf of the Assessor's Office. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to close testimony. Following testimony and Board questions, discussion and deliberation, a motion was made by Commissioner Van Beek to uphold the Assessor's value on protest nos. 23038 and 23039. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 10:52 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR DAVID AND SUSAN WISHNEY FAMILY TRUST

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:53 a.m. to conduct a property tax assessment protest hearing for David and Susan Wishney Family Trust, protest no. 23035. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Business Manager Jennifer Loutzenhiser, Administrative Analyst Helena Thompson, Sr. Property Appraiser Darryl Spieser, Commercial Appraiser Kevin Sorensen, Other Assessor's Office Staff, David Wishney and Deputy Clerk Jenen Ross. Mr. Wishney offered testimony in support of the protest application. Mike Cowan and Darryl Spieser offered testimony on behalf of the Assessor's Office. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to close testimony. Following testimony and Board questions, discussion and deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 11:22 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION – WATER TOWER, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:31 p.m. to conduct a property tax assessment protest hearing for Water Tower, LLC., Protest No. 23051, PIN 31996611 0; Protest No. 23052, PIN 31996604 0; Protest No. 23053, PIN 31996602 0; Protest No. 23054 PIN 31996606 0; Protest No. 23055, PIN 31996622 0; Protest No. 23056, PIN 31996601 0; Protest No. 23057, PIN 31996603 0; and Protest No. 23058, PIN 31996610 0. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Kevin Allcott, on behalf of Water Tower, LLC, Appraisal Supervisor Greg Himes, Residential Supervisor Holly Hopkins, Appraiser Brett Hartley, Assessor's staff members, and Deputy Clerk Monica Reeves. Kevin Allcott offered testimony in support of the protest application. Brett Hartley and Greg Himes offered testimony on behalf of the Assessor's Office. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close testimony. Following testimony and Board questions, discussion and deliberation, Commissioner Van Beek made a motion to uphold the Assessor's value on Protest Nos. 23051, 23052, 23053, 23054, 23055, 23056, 23057, and 23058. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 1:56 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2023 TERM  
CALDWELL, IDAHO JULY 7, 2023

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Celia Asumendi, Juvenile Probation Officer III; Jason Yano, Sr. Weed and Gopher Applicator; Justin Hambley, Deputy Sheriff; Heidi Brannon, Election Specialist; and Robert Hart, Deputy Sheriff.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CITY DEVELOPMENT, INC., AND U-SAVE STORAGE, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:02 a.m. to conduct a property tax assessment protest hearing for City Development, Inc., Protest No. 23111, PIN 0754050 0; and U-Save Storage, LLC, Protest No. 23108, PIN 24368000 0. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, and Deputy Clerk Monica Reeves. The appellant was not present for today's hearing. Greg Himes said the Assessor's Office is requesting the Board uphold the values on both accounts. Staff has been in communication with Jake Smith, the owner of City Development and U-Save Storage, regarding the values and he is not going to appear for today's hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to uphold the Assessor's values on Protest Nos. 23108 and 23111. The hearing concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR SYMMS FRUIT RANCH, INC., AND MOUNTAIN VIEW COLD, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 11:02 a.m. to conduct a property tax assessment protest hearing for Symms Fruit Ranch, Inc., and Mountain View Cold, LLC, Protest No. 23072, PIN 33480000 0; Protest No. 23073, PIN 33563000 0; and Protest No. 23074, PIN 33304010 0. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Dar Symms who is the President of Symms and Member of Mountain View Cold, Appraisal Supervisor Greg Himes, Appraiser Darryl Speiser, Commercial Supervisor Mike Cowan, Chief Deputy Assessor Joe Cox, Assessor's staff members, Sr. Systems Analyst Steve Onofrei, and Deputy Clerk Monica Reeves. Today's hearing was a continuance from the hearing held on June 30, 2023 where the Board asked the Assessor's Office to look at some new information and report back to the Board on their findings. Greg Himes, Darryl Speiser, and Mike Cowan offered testimony on behalf of the Assessor's Office. Dar Symms testified in support of his protest

applications. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close testimony. Commissioner Holton said he does not have clear and compelling information to make a determination that the proposed assessed values are out of line. He sees the differences that Mr. Symms has pointed out between the Caldwell industrial properties and his properties, but when it comes down to the square footage Commissioner Holton feels the County is trying to be fair in recognizing it is an agricultural use and not a commercial property that's adjacent to a rail line. He supports upholding the assessed value. Commissioner Van Beek appreciates the Assessor going back for a deeper dive and she thinks both sides have made a compelling argument. She has toured the facility and spoke about the issues facing farmers and orchardists. She said we are not talking apples to apples when it comes to maintaining the viability of their business and there has to be some argument for are we really looking at what the long-term goals are and the uniqueness of a heavily regulated, weather-driven, labor-dependent economy. She would not be able to uphold the assessed value because she believes there is a piece missing and it matters to that segment of society. Commissioner Brooks said he is in the same position as he was the last time the Board met on this issue and he believes the Assessor's Office has done a good job at putting those values in tightly in the comparisons the other buildings that are being used for similar uses. He is in favor of upholding the Assessor's value. Commissioner Holton said he wants to ensure uniform market values and he was uncomfortable with the light manufacturing warehouse and a pole barn with a dirt floor. He has not been given substantiation to reduce the total assessed value and he believes the Assessor has provided the range of information needed to make a decision. Commissioner Brooks made a motion to uphold the values for Protest Nos. 23072, 23073, and 23074. The motion was seconded by Commissioner Holton. Commissioner Van Beek was opposed to the motion to uphold the assessed values. The motion carried by two-to-one split vote. The hearing concluded at 11:58 a.m. An audio recording is on file in the Commissioners' Office.

#### BOARD OF EQUALIZATION - APPROVE ASSESSOR'S ADJUSTMENTS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 12:05 p.m. to consider adjustments submitted by the Assessor's Office. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Assessor's staff members, and Deputy Clerk Monica Reeves. Mr. Himes submitted a spreadsheet for the Board's review which included adjustments the Assessor's Office had made on parcels after the taxpayers demonstrated that an adjustment was warranted. Upon review of the spreadsheet, the Board had questions for Mr. Himes and Mr. Cox. The total adjustment amount is \$2,311,359. (A copy of the spreadsheet with the detailed information is on file with this day's minute entry.) Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to accept the adjusted values on the Canyon County Board of Equalization Assessor adjustment recommendations to the 2023 certified values #1. The meeting concluded at 12:15 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2023 TERM  
CALDWELL, IDAHO JULY 10, 2023

There were no meetings scheduled this day.

JULY 2023 TERM  
CALDWELL, IDAHO JULY 11, 2023

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell, Inc., in the amount of \$6,956.70 for the Information Technology Department (PO #5649)
- Carbon Networks in the amount of \$14,475.00 for the Information Technology Department (PO #5650)
- Plural Sight in the amount of \$11,180.00 for the Information Technology Department (PO #5651)
- Curtis Blue Line in the amount of \$27,664.00 for the Sheriff's Office (PO #5685)
- Curtis Blue Line in the amount of \$8,040.00 for the Sheriff's Office (PO #5686)

#### APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved employee status change form for Ella Dunaychuk, Clerk II (Underfill III)

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Tap Truck Treasure Valley to be used 7/28/23.

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:16 a.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Case Managers Kellie George and Jenniffer Odom and Deputy Clerk Jenen Ross.

Case no. 2023-69: Indigent Services believes there to be social security payment available in the decedent's account and/or property and a mobile home in Hagerman that was owned by the decedent and her late mother, however, Canyon County public administration could not be involved with the processing of the property as it is located in Gooding County. Commissioner Van Beek made a motion to deny the case as the county is the payer of last resort and have to find assets that meet \$1000 and we [the Board] believes based on the information that has been provided that those exist. They [the decedent's family] do have different alternatives to pursue if

they really are in financial hardship including assets located in another county or applying themselves as personal representatives and looking further into that is also an option for the funeral home so with that information that is the motion to deny. The motion was seconded by Commissioner Brooks and carried unanimously.

Case no. 2015-1130 has met their obligation and the account has been paid in full. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the lien release.

The meeting concluded at 9:23 a.m. and an audio recording is on file in the Commissioners' Office.

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:34 am. 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. Alex Klempel, Controller Zach Wagoner, HR Director Kate Rice, COO Greg Rast and Deputy Clerk Jenen Ross.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:35 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) regarding records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and to communicate with risk manager regarding pending/imminently likely claims. 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. Alex Klempel, Controller Zach Wagoner, HR Director Kate Rice and COO Greg Rast. The Board and Mr. Rast left the executive session from 10:02 a.m. to 10:16 a.m. The Executive Session concluded at 10:23 a.m. with no decision being called for in open session.

***Consider ballot appointing Gem County Commissioner Bill Buttici to the Southwest District Health Board of Health:*** Mr. Buttici will be filling the remaining term of Mr. Bryan Elliott; the term will expire on June 30, 2027. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the ballot appointing Gem County Commissioner Bill Buttici to the Southwest District Health Board of Health.

The meeting concluded at 10:25 a.m. and an audio recording is on file in the Commissioners' Office.

#### PRESENTATION BY THE TREASURE VALLEY WATER USERS ASSOCIATION

The Board met today at 10:30 a.m. for presentation by the Treasure Valley Water Users Association. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Roger Batt, Executive Director of the Treasure Valley Water Users Association, Dan Steenson from Sawtooth Law, Mike Meyers from Water District 63, Mike Schubert with HDR Engineering, Clinton Pline from the Nampa and Meridian Irrigation District, and TVWUA, DSD Director Sabrina Minshall, County Engineer Devin Krasowski, DSD Planner III Debbie Root, Deputy PA Zach Wesley, Keri Smith, George Crookham, Alan Mills, Ron Harriman, David Ferdinand, Matt Wilke, other interested citizens, and Deputy Clerk Monica Reeves. 49-page PowerPoint was provided, as well as a five-page handout titled *Treasure Valley Water Supply Assessment and Sustainability Project*, and a timeline document, all of which are on file with this day's minute entry. Presentations were as follows:

- Roger Batt, Executive Director, Treasure Valley Water Users Association: Slides 1-16 regarding TVWUA, irrigation and drainage development & systems, impacts of urbanization on ground water recharge & surface return flows to drains.
- Dan Steenson, Sawtooth Law: Slides 17-25 regarding Shaw analysis of urbanization impact on drain flows, delineation of conversion of flood irrigation to urban pressure irrigation, HDR projection of drain flow declines.
- Mike Meyers, Water Master – Water District 63: Slides 26-31 regarding 2022 low flows & drain declines.
- Mike Schubert with HDR Engineering, Mike Meyers & Dan Steenson: Slides 32-48 regarding T.V. Water Supply Project.

Dan Steenson reviewed the Project Cost Summary:

#### **Phase 1 Costs (2023-2024)**

➤ Project Development	\$15,000
➤ Start-up Costs:	\$131,000
➤ Annual Maintenance:	\$130,000
➤ Analytics:	<u>\$50,000</u>
	\$326,000

#### **Phase 2 Costs (2024-2027)**

➤ Annual Maintenance:	\$130,000
➤ Annual Analytics & Modeling:	<u>\$200,000</u>
	\$330,000 Phase 2 Total (\$990,000)

### Phase 3 Costs (2023-2028) (TBD)

#### Project Sponsors & Funding:

<u>Project Supporter:</u>	<u>Funding Request:</u>	<u>Commitment:</u>	<u>Received:</u>
Water District 63 (water users)	\$71,000.00	\$36,000.00	
Treasure Valley Water Users Assoc. (irrigation organizations, Project Development)	\$15,000.00	\$15,000.00	\$13,675.00
Flood Control District No 10	\$5,000.00	\$10,000.00	
Idaho Water Resource Board	\$155,500.00		
Ada County	\$50,000.00		
<b>Canyon County</b>	<b>\$20,000.00</b>		
City of Boise	\$5,000.00		
City of Caldwell	\$5,000.00		
City of Eagle	\$5,000.00		
Garden City	\$5,000.00		
City of Middleton	\$5,000.00		
City of Nampa	\$5,000.00	\$5,000.00	
Idaho Power	\$5,000.00		
Veolia Water	\$5,000.00		
<b>TOTAL:</b>	<b>\$356,500.00</b>	<b>\$66,000.00</b>	<b>\$13,675.00</b>

The requested funding amount for Canyon County is \$20,000. Mr. Steenson noted that Ada County has ARPA funding available and they recommended the TVWUA request \$50,000 rather than \$20,000. Commissioner Brooks asked why the group has not requested funding from the City of Meridian, City of Kuna, City of Notus, City of Melba, City of Wilder, or the City of Parma. He also asked how they determined their funding amounts, and why they used a flat fee of \$5,000 for some cities regardless of population. Mr. Steenson said there is no science to it, he started with what the TVWUA, as a sponsor of the project, could/would provide in funding and then he simply allocated the remaining need proportionately amongst the entities based on the size of the geographic area and not by a precise number of acres or size estimation. Commissioner Brooks believes the group should request more in funding from the entities. Commissioner Holton said if some of the issue is urbanization then at least Meridian, Nampa and Caldwell need to participate at a greatly increased percentage because the growth in the County is less than 5% of our total growth, most is within the municipalities so if they are the contributors maybe they need to be the participants. Mr. Steenson said he takes the comments seriously and they will see what they can do to incorporate the Commissioners' thoughts. For Phases 2 and 3 the sponsors on the list will see the TVWUA again, if the water resource board will approve the funding they will get started this Fall with the monitoring stations. For Phase 2 they are in discussions with the Bureau of Reclamation for a grant for nearly half of Phase 2 and they will have a funding need of \$500,000 so they will come back to the entities for additional project funding which is part of the thinking behind their modest request to start. Following the presentation, a question and answer session followed. Commissioner Holton thanked the group for the information and said the Board would

be in touch. No Board action was required or taken. The meeting concluded at 11:42 a.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2023 TERM

CALDWELL, IDAHO JULY 12, 2023

#### APPROVED PAYROLL JULY 14, 2023

The Board approved the July 14, 2023 payroll in the amount of \$2,192,051.97

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Franz Witte in the amount of \$2,176.00 for the Facilities Department (PO #5655)

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Shane Sears, Temp. Elections Staff; and Amy Kindberg, Housekeeping.

#### MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:30 a.m. to consider agenda items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Prosecuting Attorney Bryan Taylor, Chief Deputy P.A. Carl Ericson, Controller Zach Wagoner, Facilities Director Rick Britton (left at 9:34 a.m.), COO Greg Rast, Clerk Chris Yamamoto (arrived at 9:53 a.m.), Accountant Sarah Winslow (arrived at 9:55 a.m.), Criminal Chief Deputy P.A. Doug Robertson (arrived at 9:56 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Consider Addendum No. 1 for Request for Qualifications CM/GC Elections Building Construction Project:*** Director Britton said there were four questions received which have been addressed by legal and Mr. Britton within the addendum. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign addendum no. 1 for Request for Qualification CM/GC Elections Building Construction.

***Consider IDOC Pre-Prosecution Diversion Grant:*** Prosecutor Taylor provided some of his own questions along with Board questions to IDOC, the majority of which have been answered in the revised contract. IDOC is set in their requirements and some of the requested changes have not been accommodated, however, Mr. Taylor is still in favor of moving forward noting that if it is found to not be worthwhile the county can exit the agreement at any time. Questions from the Board regarding mental health holds, mental health specialists being embedded with the Sheriff's Office and the accounting requirements were addressed by Mr. Taylor and Mr. Wagoner.

Commissioner Van Beek stated 'I would be in favor of accepting this grant on the prosecutor's recommendation. When we have a meeting, which I would want to predicate that motion on, that we get people involved. This is a tough issue to tackle, you have it happening everywhere at all age levels, but I would want to include Kim Deugan the executive director, I would want to include Gene Petty, I would want all police chiefs, the sheriff, you, whoever else is going to be a part of this including the Board to have that expanded conversation about how we don't just talk about something but move something forward because it's so needed in the county. I would make that my motion that we accept those future meetings with those players [inaudible] I think a lot of people are happy about any movement on mental health.' The motion was seconded by Commissioner Brooks and carried unanimously. See agreement no. 23-075.

The meeting concluded at 9:58 a.m. and an audio recording is on file in the Commissioner's Office.

#### FY2024 BUDGET REVIEW/WORKSHOP FOR PROSECUTING ATTORNEY'S OFFICE

The Board met today at 10:04 a.m. for a FY2024 budget review/workshop for the Prosecuting Attorney's Office. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Prosecuting Attorney Bryan Taylor, Civil Chief Deputy P.A. Carl Ericson, Criminal Chief Deputy P.A. Doug Robertson, Clerk Chris Yamamoto, Controller Zach Wagoner, Accountant Sarah Winslow, COO Greg Rast and Deputy Clerk Jenen Ross.

COO Rast provided Prosecutor Taylor with the questions noted below and today's workshop with the Prosecutor's Office centered on the following discussion topics:

In regard to the IDOC monies will be a separate accounting division under the umbrella of the Prosecutor's budget.

#### **A Budget – Personnel**

1. (4) FTE Requests – Populate New Position / Reclassification – Reduce to (3)
  - a. (2) Criminal Division
    - i. Domestic Violence Deputy
    - ii. Misdemeanor Cases Deputy
  - b. (2) Civil Litigation Division
    - i. Reduced to (1) – Land Use Hearings / Assessor Support – *Prosecutor Taylor is okay with this reduction with the caveat that if insurance claims become unmanageable he may need additional support.*

*Discussion ensued regarding tracking system being developed by IT for the PA's office for tracking of Board projects.*

*Total number of employees in the PA's Office is 90 + 3 new requests.*

#### **Revenues**

2. Enter projected City Revenues – PowerPlan

- a. 341432 Other Cities – What makes up PowerPlan – \$25,750
- b. Others appear to be populated – Nampa, Caldwell

*Nampa and Caldwell are separated out due to being the largest cities, the others are grouped together as they are individually small amounts. Prosecution contracts are only entered into with cities with their own law enforcement.*

## **B Budget**

- 3. 521120 Misc. Professional Services
  - a. Leave at zero with new Civil Deputy Additions
- 4. 545502 Mileage – Transfer to Fleet – \$1,000
- 5. 545506 Gasoline and Oil – Zero Out – No Transfer
- 6. 548023 Priors
  - a. What is this line item for? \$1,000: *When there are prior convictions and certified copies need to be obtained from another state. Line will be renamed to more clearly define what this is being used for.*
- 7. Reduce 577110 Software
  - a. \$400K to \$60K – Pine Technologies for Support
  - b. No longer wanting to RFP for Case Management

*Biggest concern is that they don't have enough licenses. At this time Prosecutor Taylor would like to pause on this line item. The \$400K is just a placeholder but he is hoping to have a clearer answer as to what will be necessary by the end of the month.*

- 8. 682270 – Capital Construction
  - a. Move the \$5,000 to Facilities
- 9. 684330 General Vehicles – Transfer \$48,000 to Fleet
- 10. 548318 – Youth Court – \$20,000
  - a. Move to 122-46 (Treatment Courts) – *This is not a treatment court, it's a diversion program. Prosecutor Taylor would like to see the entire \$20,000 funded (vs. \$10,000 in previous years) as the program has been successful and the recidivism rate is essentially zero. Controller Wagoner believes the best place for this is in department 13, which is in the current expense fund. The Board is supportive of this being put in department 13.*

General Question – Why budget expenses are itemized for Nampa/Caldwell when actuals remain zero?

*Prosecutor Taylor reviewed with the Board a few modifications he'd like to make:*

- 413050, Part-time and 413060, Temporary: they were entered as \$25,000 – should have actually been \$35,000 in each of those line items.*
- 545503, Taxi – request to increase to \$500 as they are already over budget this year.*
- 548475, Sequential Intercept Model – would like to see the remaining \$4350 still in this line item accounted for in FY24.*

*Based on a question from Commissioner Brooks, Prosecutor Taylor spoke about what the forfeiture line item is used for.*

The meeting concluded at 11:05 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - SIERRA VISTA PROPERTIES/MINT FARM ESTATES - REZONE AND PRELIMINARY PLAT, IRRIGATION AND DRAINAGE PLAN

The Board met today at 1:34 p.m. to conduct a public hearing in the matter of a request by Sierra Vista Properties, Inc., for a rezone of 90.75 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. If approved, the request includes a preliminary plat, irrigation, and drainage plan for Mint Farm Estates Subdivision, which contains 39 residential lots. Present were: Commissioners Zach Brooks and Leslie Van Beek, DSD Planner III Debbie Root, Andrea Roshalt, Darin Taylor, Ammon Andelin, Derriitt Kerner, Allen Colson, Debbie Millsaps, Dan Richards, Jill Jenkins, Paige Harris, Todd Gray, Keri Smith, other interested persons, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 1:50 p.m. Commissioner Van Beek said the Board heard a proposal last year on one of the properties adjacent to this site so there will be some familiarity of the area and the case information.

DSD Planner Debbie Root gave the oral staff report. The subject property is located at 8718 Purple Sage Road in Caldwell, and the majority of the property is currently in irrigated agricultural crop production and does not lie within an area of city impact. The proposed development for rural residential is a result of having the previous application for one-acre minimum lot sizes denied and the Board of Commissioners stating an option for approval would be to come back with an application for rural residential zoning with a 2-acre minimum average which is more commensurate with the development in the surrounding subdivisions. The area is agricultural in nature with larger lot sizes and farms in the area. The average lot size on the proposed plat is 2.04 acres. The property is located east of the current nitrate priority boundary, and there is a monitoring well at the boundary that exceeds 10 milligrams per liter nitrates and is downgradient from the property which is referenced in the County Engineer's letter. The engineer believes the development should be on a public drinking water system and a community waste system. If the development is approved staff recommends the Board impose a condition requiring a public drinking water system and/or that it be connected to an existing municipal system, and to require a public waste water system. Ms. Root reviewed the surrounding area including zoning and land uses; soils and irrigation information; access/traffic; essential services; potential impacts; agency comments, and public comments. The request does not allow conditions to be placed on the

rezone, the applicant signed a disclosure refusing to consider a conditional rezone with a development agreement. The request does not align with five goals and policies of the 2020 comprehensive plan regarding agricultural preservation. On January 19, 2023, the P&Z Commission recommended denial of the request citing cumulative impacts to the existing road system not being adequately addressed and the effects of all development that is occurring in the area. Following her report, Ms. Root responded to questions from the Board.

The following people testified in support of the request:

Ammon Andelin, the applicant's representative introduced the team who will testify today: Derritt Kerner, project engineer; Darin Taylor, project planner; and attorney Andrea Roshalt.

Derritt Kerner is the design engineer on the project, and he provided technical testimony. In their initial plan they had a mixed layout of 1-2 acre lots which yielded 53 lots on 90 acres, and they worked with staff to arrive at a proposed R-1 zoning with a development agreement that restricted density to 0.58 units per acre, but they were denied in 2022. Rural residential zoning was the only thing the Board would support in this area, and they changed the one-acre lots in the middle to 2 acres with 39 buildable lots. The highway district has no objection to their proposal, and they are complying with the future road map with internal connectivity, stub roads to the west and the east as well as dedicating and widening Purple Sage Road along their frontage. They will use surface water rights to supply a pressurized irrigation system to each lot. They did a full design for the retilling of the Black Canyon Irrigation lateral, but it has been paused until they secure preliminary plat approval. He was surprised the P&Z Commission denied the request and wanted the applicant to address the impacts on schools and traffic.

Darin Taylor said the P&Z Commission's FCOs state the Middleton School District capacity impacts are adequately addressed or minimized through approved mitigation measures to gain approval. They met with the district and talked about the Millcreek Elementary School, and the school has acquired additional portable units. The applicants have solicited the Building Contractors Association to assist the school district to get a bond approved for a new middle school and they have pledged to fund up to \$15,000 to the political action committee for the contractor's association toward the school bond effort. With the two portable units the school capacity at Millcreek Elementary does not exist any longer. Regarding the stop sign leaving the subject property onto Purple Sage Road, Mr. Taylor said they do not need to install a stop sign until the rezone is approved. Neither Canyon Highway District nor ITD oppose the application. The traffic impacts are being addressed by the entities having jurisdiction. It was made clear by the Board of Commissioners that the applicant needed to come back with a rezone to rural residential and 2-acre average lot size. There was discussion about a development agreement, but it did not fit with the rezone application, so they declined to do one. There are 26 subdivisions totaling 495 lots on 1,164 acres within one mile of the subject property. There have been 7 rezones approved in the area. Additional dwellings are helping to reduce the cost per dwelling of school bonds and making it more likely for bonds to be approved. Mr. Taylor reviewed irrigation and water supply issues. Following his testimony, Mr. Taylor and Ms. Root responded to questions from the Board. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to accept Exhibits I-3, I-4, and I-5 as presented by Subdivision Maker.

Andrea Rosholt gave testimony regarding the prior application. The applicant applied in 2021 and the Board denied the request, but it specified the actions the applicant could take to obtain approval. In both applications for a preliminary plat and the first conditional rezone, the action identified by the Board for the applicant to take was to receive approval of a zoning map amendment rezone of the property. The 2020 comprehensive plan has identified residential for this area. Canyon Highway District has entered into a Mid-Star agreement for the improvement of roads and that is consistent with the development that it's seen and so it's already addressing these road issues. There is a plan for Highway 44 and Lansing Lane, and this application is 2.2 miles from that.

The following people testified in opposition to the request:

Allen Colson lives adjacent to the subject property and his concerns include negative impacts to already overcrowded schools, and worsening traffic issues. Purple Sage Road is extremely busy; the roads are built for agricultural use, not the high traffic coming from subdivisions. He wants the County to preserve agricultural ground.

Debbie Millsaps lives west of the property and testified that the infrastructure is far behind. She is the secretary of Millcreek Elementary and said when classes are full they will have 265 students in portable units and that means they do not have water or restrooms and they will move from portables to the main building in order to use the restroom. The portables are not a long-term solution, it's a Band-Aid fix. There are homes going in by the dozen on Duff Lane and Lansing Lane, and those developments will have students. The elementary school has nearly 800 students, K-5, and it's tough to manage that many students. She is worried that the infrastructure is not in place, and it could take years for it to get there.

Daniel Richards testified that the people who support the request do not live in the area, and they won't be impacted by the development. His concerns include traffic, impacts to agriculture, water, damage to the aquifer, overcrowded schools, and road safety issues.

Jill Jenkins testified she owns 8 acres that border the property. She irrigates with agricultural ground water rights, and the canal goes behind her property, but they do not have surface water rights, it's all ground water irrigation rights. Her concern with tiling the ditch is that it won't allow for recharging, and it will limit the aquifer that the neighbors rely on for house water and irrigation water. The sewer leach fields cross contamination is another concern as is groundwater quality, lack of open spaces, and no sidewalks. She believes the applicant is putting the cart before the horse, and they need to bring in city services for what they are trying to do. It is not compatible with the surrounding properties which are over five acres, and she stressed the importance of agricultural preservation. Additionally, the schools are overcrowded, and we need a better approach to the growth.

Rebuttal testimony was offered by Darin Taylor and Andrea Rosholt. Mr. Taylor spoke of their communication with the Middleton School District and how they can pledge their effort, but there is no guarantee the bond will be approved. Ms. Rosholt said there are going to be traffic impacts,

but the highway district and the Idaho Transportation Department have not opposed this project and therefore there is no evidence in the record that they would oppose it. There is a project plan, and the intersection costs will be paid either from impact fees or tax dollars and increasing residences will help spread out those tax dollars. Regarding schools, she said the current issue has been mitigated and steps are being taken to mitigate it. Commissioner Van Beek had follow-up questions for Ms. Rosholt.

Commissioner Brooks asked if he is bound to statements a prior Board made to the applicant. Deputy PA Wesley said it's not necessarily binding, it was just the Board meeting the denial criteria at that point when it denied the land use application, however, that is not a commitment for approval in the future. Each application must meet the criteria on its own. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to take a recess. (The Board took a break at 3:16 p.m. and went back on the record at 3:24 p.m.) Commissioner Van Beek said she does not have clear definitions on what constitutes a material change, and the Board has accepted three late exhibits, but she has not absorbed what the impact is on the information that has been provided. The application was submitted in 2020 and she was part of the Board at that time that made a recommendation and gave direction on how to move forward. She would like to continue the hearing to give the full Board an opportunity to evaluate the late exhibits. Deputy PA Wesley said in the past when a Commissioner has not been available on the hearing date they have been able to listen to the audio, go through the evidence on their own, and then appear at the next hearing to participate in the deliberation. He prefers the Board close evidence today and if there is evidence that is taken at the next hearing the record can be reopened. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks, the Board voted unanimously to continue the hearing to August 24, 2023 at 1:30 p.m. The hearing concluded at 3:31 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2023 TERM

CALDWELL, IDAHO     JULY 13, 2023

#### APPROVED CLAIMS

- The Board has approved claim 596481 in the amount of \$56.99
- The Board has approved the June jury claim in the amount of \$9,727.04

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- W-W Mfg. Co., Inc. in the amount of \$34,699.50 (PO #5541)
- Port Erie Plastics in the amount of \$779,312.00 for the Fair (PO #5542)

#### APPROVED CATERING PERMIT

- The Board approved Idaho Liquor Catering Permits for Legends Sports Pub & Grill to be used 8/5/23 and 8/26/23.

#### TOUR ADA COUNTY JAIL

Today the Board toured the Ada County Jail in Boise, and although a Board majority attended and participated, the tour was not a Commissioner meeting. There were no motions, action items, or Board direction entertained or given.

#### MEETING TO TAKE PUBLIC COMMENTS REGARDING THE SOLE SOURCE PROCUREMENT OF A PORTABLE FLOORING SYSTEM FROM DURA-TRAC FLOORING FOR USE BY THE CANYON COUNTY FAIR

The Board met today at 1:34 p.m. to take public comments regarding the sole source procurement of a portable flooring system from Dura-Trac Flooring for use by the Canyon County Fair. Present were: Commissioners Leslie Van Beek and Brad Holton, Facilities Director Rick Britton, Fair Director Diana Sinner, Accountant Sarah Winslow and Deputy Clerk Jenen Ross. No comments were received and no members of the public attended the meeting to offer comment. Director Sinner provided comment on what this flooring will provide for the Fair. The action item was considered as follows:

***Consider authorizing purchase of a portable flooring system from Dura-Trac Flooring for use by the Canyon County Fair:*** Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to authorize the purchase of a portable flooring system from Dura-Trac Flooring for use by the Canyon County Fair. Director Sinner said the product should arrive next Friday, July 21<sup>st</sup> and will be installed on Saturday, July 22<sup>nd</sup>.

The meeting concluded at 1:39 p.m. and an audio recording is on file in the Commissioners' Office.

#### CONSIDER A RESOLUTION TO REAPPOINT MEMBERS TO THE HISTORIC PRESERVATION COMMISSION

The Board met today at 1:49 p.m. to consider a resolution to reappoint members to the Historic Preservation Commission. Present were: Commissioners Leslie Van Beek and Brad Holton, Deputy P.A. Oscar Klaas and Deputy Clerk Jenen Ross. Commissioner Holton read Director Schwend's email comments into the record as follows:

*'...The decision is for re-appointment of Zach Wesley and George DeFord to the Historic Preservation Commission. Both have been serving on this board for longer than I've been a county employee, and we are extremely happy that they want to continue to serve. They are qualified individuals and committed to Historic Preservation in Canyon County.'*

Commissioner Van Beek made a motion to sign the resolution to reappoint members to the Historic Preservation Commission. Commissioner Holton seconded the motion with the addendum to include the terms; Zach Wesley will be appointed to a one-year term and George DeFord will be appointed to a two-year term. The motion carried unanimously.

The meeting concluded at 1:52 p.m. and an audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206 (1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE IN WHICH THE GOVERNING BODY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

Commissioner Brooks made a motion to go into Executive Session at 4:00 p.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Van Beek. A vote was taken on the motion with Commissioners Van Beek and Brooks voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Zach Brooks, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Steven Jenkins with City of Caldwell and a Company representative. The Executive Session concluded at 4:30 p.m. with no decision being called for in open session.

**JULY 2023 TERM**

**CALDWELL, IDAHO     JULY 14, 2023**

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$3646.73 for the Information Technology department (PO #5652)
- Platt in the amount of \$9564.39 for the Facilities department (PO #5653)
- K Safety in the amount of \$7603.20 for the Sheriff's Office (PO #5687)
- A-Gem in the amount of \$1826.00 for the Sheriff's Office (PO #5688)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Makaila Phillips, Permit Technician; Becky Siino, Sr. Admin for Weed & Pest; Laura Keys, Civil Deputy Prosecuting Attorney II; and Sylvia Ezenwa, Staff Attorney.

#### FILE TREASURER'S MONTHLY REPORT FOR MAY 2023

The Board filed the Treasurer's monthly report for May 1 through May 31, 2023.

#### ACTION ITEM: CONSIDER A RESOLUTION TO FUND AN UNFUNDED PCN FOR A CIVIL DEPUTY PROSECUTOR POSITION IN THE CANYON COUNTY PROSECUTING ATTORNEY'S OFFICE

The Board met today at 10:02 a.m. to consider a resolution to fund an unfunded PCN for a civil deputy prosecutor II position in the Canyon County Prosecuting Attorney's Office. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, Chief Civil Deputy PA Carl Ericson, HR Generalist Demi Etheridge, HR Director Kate Rice, and Deputy Clerk Monica Reeves. Chief Deputy Ericson said there is a significant need at this point to provide more assistance to the elected officials and department administrators. The position was unfunded in March of 2022 to go through the end of this year fiscal year, but they are seeking approval to re-fund the position for the remainder of this fiscal year at an approximate cost of \$24,000. The PA has \$322,000 in unspent "A" budget monies for salaries and benefits. A candidate has accepted the job offer with a scheduled start date of July 31<sup>st</sup>. An updated job description is being prepared and they hope to have it complete within the next month. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve the re-funding of the Deputy Prosecuting Attorney II - Civil Division position, PCN 554. (Resolution No. 23-183.) The meeting concluded at 10:07 a.m. An audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B), (D) AND (F) REGARDING PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 10:30 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 Operating Officer Greg Rast, HR Director Kate Rice, HR Generalist Kendra Elgin, Clerk Chris Yamamoto, Director of Court Operations Jess Urresti, Marshal James West, Marshal Todd Wilcox, Chief Civil Deputy PA Carl Ericson, Administrative District Judge Davis VanderVelde, and Andrea Powers from the Idaho Supreme Court, Sarah Omundson from the Idaho Supreme Court. ADJ Vander Velde left at 10:37 a.m. Kevin Alvarez arrived at 10:58 a.m. and left at 11:21 a.m. The Executive Session concluded at 12:56 p.m. with no decision being called for in open session.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Prime Construction Asphalt in the amount of \$1,575.00 for the Facilities department (PO #5657)

#### FY2024 BUDGET REVIEW/WORKSHOPS

The Board met today at 9:02 a.m. for FY2024 budget review/workshops. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Chris Yamamoto, Controller Zach Wagoner, Accountant Sarah Winslow, Director of Juvenile Detention Sean Brown (left at 9:20 a.m.), Assistant Director of Juvenile Detention Shawn Anderson (left at 9:20 a.m.), Sr. Administrative Specialist Sue Britton (left at 9:20 a.m.), Facilities Director Rick Britton (left at 9:20 a.m. and rejoined the meeting at 10:26 a.m.), Director of Juvenile Probation Elda Catalano (arrived at 9:06 a.m. and left at 9:54 a.m.), Director of Misdemeanor Probation Jeff Breach (arrived at 9:29 a.m. and left at 10:03 a.m.), Fair Director Diana Sinner (arrived at 9:58 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross.

#### **Juvenile Detention**

COO Rast provided Director Brown with the questions noted below and today's workshop with the Juvenile Detention department centered on the following discussion topics:

#### **Revenues**

1. No Questions, FY2024 Daily Rates for other Counties were vetted and understood on your calculations.

#### **A Budget – Personnel**

1. No Questions on budget, no new position requests.
2. How long have you had funding from the state for Clinician Services?
  - Could you use a Clinician if it was funded through state money from
  - Juvenile Probation if you lost that funding?

*Position has been funded since 2009. Director Brown said this has been going well with funding to all the detention centers. If he were to lose that position it would need to be refilled. In regard to using a clinician through Juvenile Probation funded with state funds he said he would be able to use that. He indicated that if there were a person already in place it could be helpful when the Juvenile Detention clinician is out for sick or taking vacation time. Discussion ensued regarding the qualifications necessary for a clinician to work in the detention center.*

#### **B Budget - Expenses**

1. 545506 Gasoline and Oil - \$1,000 - Remove amount, no transfer needed
2. 545502 Mileage - Transfer to Fleet, Zero out

3. 548400 Miscellaneous - \$2,500 (What is this for?) – *mainly used for GED program and gym equipment*

### **General Questions**

1. Facilities – Confirmation? FY2024 Request (Detention Door Locks / Windows and all needed expenses associated to cover the project): *There are 3 projects - detention door locks, windows to be replaced and epoxy painting in some cells. Total budgeted is \$24,121 which will be included in the Facilities budget.*

2. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?

a. 577100 Computer Equipment – \$21,200

Proposed change of an increase of \$6,000 for a total of \$27,200 (Redundancy): *\$6000 will be added to this budget for redundancy storage for the camera system. The Board is supportive of this increase.*

### **Juvenile Probation:**

COO Rast provided Director Catalano with the questions noted below and today's workshop with the Juvenile Probation department centered on the following discussion topics:

### **Revenues**

1. 334169 SUDS Revenue drop from 50,000 to 25,000? Just a follow up question: *Director Catalano gave history of the SUDS contract coordinator. Reimbursement is for the work done by a Juvenile Probation employee relating to the SUDS program. There is no direct expense due to the work being done by a county compensated employee. The state will reimburse any hours spent by the employee working on the program.*

### **A Budget – Personnel**

1. \$70,000 - Current Request for Entry Level Juvenile Probation Officer I

- Assessment – Rate from 0-10 (10 being critical) – If this position is a critical need, please discuss what happens if not approved. *This position is critical because they will help manage the case load numbers and avoiding staff burnout.*

- Do you have space and would Facilities need to do anything to accommodate? *No. space is available and equipment has been budgeted for.*

2. Add in a Clinician Position Paid out of State Money for Juv. Programs? *State funds, ideally, the lottery division. \$97,000 would need to be budgeted for salary and benefits.*

- Discuss the purpose, need, and potential pressures from the PA Office for the position. *They have specialized training in probation, help with monitoring and evaluation of kids coming into the system.*

- Do you have this HR/Market data to add to FY2024 Budget Request.

- Do you have space and would Facilities need to do anything to accommodate? *Space is available. Controller Wagoner noted that any new positions would be a draw on property taxes.*

### **B Budget – Expenses**

1. 521131 Juvenile Justice SUDS - Shouldn't that match the \$25,000 (Revenue at \$25,000): *This was addressed as part of the discussion earlier.*
2. 545506 Gasoline and Oil - \$17,000 - Remove amount, no transfer needed
3. 554430 Auto Repair Supplies - \$10,000 - Transfer to Fleet's Budget
4. 684330 General Vehicles - \$96,000 - Move to Fleet as County Expense

### **General Questions**

1. Explain to the BOCC what happens if state monies aren't fully spent in fiscal year, do you lose the funds or keep the balance? *The county requests to keep the money and any unspent funds are rolled to the next fiscal year.*
2. Also, do you feel by moving auto related expenses and adding a needed Clinician, will you use all the state monies in FY2024?
3. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?

*Commissioner Van Beek suggested adding \$1000 to line 548400 for incidentals. Commissioner Holton asked if there was the possibility of sharing a clinician with Juvenile Detention and Commissioner Brooks suggested the two directors work together to ensure their needs for a clinician position would be compatible. Based on a question from Controller Wagoner, Commissioner Van Beek said she is still in favor of adding both the Juvenile Probation Officer I position and Clinician position to the budget, she is also in favor of moving the vehicles.*

### **Misdemeanor Probation:**

COO Rast provided Director Breach with the questions noted below and today's workshop with the Misdemeanor Probation department centered on the following discussion topics:

### **Revenues**

- 1.No Questions: *At this time there will be no change to the fees.*

### **A Budget – Personnel**

1. No Questions on budget, no new position requests.

### **B Budget - Expenses**

1. 545506 Gasoline and Oil - \$1,000 - Remove amount, no transfer needed
2. 545502 Mileage - \$150.00 - Transfer to Fleet, Zero out

*As instructed by the Board, with the exception of mileage, Controller Wagoner will leave line items as-is until the Board can have further policy discussion.*

### **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?

### **County Fair:**

COO Rast provided Director Sinner with the questions noted below and today's workshop with the County Fair department centered on the following discussion topics:

### Revenues

1. 334154 Capital Grants - \$500,000 (Is this related to the Purchase vs Rent Equipment discussion on the first workshop) – Urban Renewal Money? *This was added after the initial budget meeting and is related to URA funds. Not all URA funds will be spent in FY23 and approximately \$500,000 will remain to be rolled to FY24.*

### A Budget – Personnel

1. No Questions on budget, no new position requests.  
2. Discussion: Succession Planning (New Request) – *There is a staff person that will be continuing employment with the Fair and Director Sinner would like to upgrade their position into a succession planning role, possibly Assistant Director. The Marketing and Sponsorship position would be the changed position which would require a salary change. The Board instructed Controller Wagoner to increase the FTE line by \$20,000.*

### B Budget - Expenses

1. 531107 Gasoline and Oil - \$2,500 - Remove amount, no transfer needed  
2. 534410 Fair Equipment Rentals – \$150,000 - Needed if \$500,000 is approved on 683340 (Are these the same use?) – Reduce amount if needed? *\$500,000 is related to URA, not equipment rentals. Discussion ensued regarding investing in equipment vs. renting. Director Sinner said there has been recent conversation with the Caldwell Mayor regarding ownership of the property between the expo center and the stadium, if the county is interested in owning part of that. If that is the case, there would then be the opportunity for infrastructure to be added. The Board would like to have further discussion with legal staff regarding use of the URA funds for some of these items.*  
3. 545502 Mileage - \$500.00, Transfer to Fleet, Zero out  
4. 548400 Miscellaneous - \$1,000 - What is this used for? *Unforeseen expenses.*  
5. 554401 Building Supplies and Materials - \$15,000 - Transfer to Facilities? *This is for something budgeted in Fair but purchase is initiated from the Facilities department. The Board is in favor of moving funds to the Facilities budget.*  
6. 684376 Misc. Equipment – \$18,000 Utility Vehicle is Included? Should this be moved to Fleet for inventory – *Amount is recommended by Director Tolman, Director Sinner is supportive of this moving to the Fleet budget. Board is in favor of this change.*  
and maintenance. (Director Tolman recommended – Can-Am in his recommended procurement list)  
~~7. 554401 Building Supplies & Materials – \$15,000 – Move to Facilities? Duplicate of question no. 5~~  
8. 554402 Ground Maintenance Supplies - \$15,000 - Move to Facilities? *This is for something budgeted in Fair but purchase is initiated from the Facilities department. The Board is in favor of moving funds to the Facilities budget.*

### General Questions

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?
- a. General Update on Flooring FY2023 purchase for the fair, any ongoing expenses related to that expenditure

Commissioner Brooks made a motion to recess.

The meeting concluded at 10:27 a.m. and an audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:38 a.m. to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, Fair Director Diana Sinner, Facilities Director Rick Britton, COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

- Consider Entertainment Contract with Banda Maguey for the 2023 Canyon County Fair
- Consider Parking Lot Rental Agreement with Caldwell Bowling Center, Inc. during the 2023 Canyon County Fair
- Consider Entertainment Contract with Muletrain for the 2023 Canyon County Fair
- Consider Performance Contract with Neste Event Marketing, LLC for the 2023 Canyon County Fair

Director Sinner gave brief descriptions of each of the contracts and what each vendor provides. Mr. Wesley said that the contracts with Muletrain and Caldwell Bowling Center, Inc. are standard contracts and prepared by the county. The contracts with Banda Maguey and Neste Event Marketing, LLC are mainstage agreements and prepared by the artist/marketing company. They are different from what the county prepares but due to them being international organizations the county is subject to their requirements. Mr. Wesley provided a brief review of the contract. Commissioner Brooks made a motion to sign the contracts with Banda Maguey (agreement no. 23-079), Caldwell Bowling Center, Inc. (agreement no. 23-078), Muletrain (agreement no. 23-077) and Neste Event Marketing, LLC (agreement no. 23-076) for the 2023 Canyon County Fair. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

#### EXECUTIVE SESSION – 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 10:49 a.m. pursuant to Idaho Code, Section 74-206(1) (c), (d) and (f) regarding acquisition of an interest in real property, 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, Deputy P.A. Zach Wesley, Fair Director Diana Sinner, Facilities Director Rick Britton and COO Greg Rast. The Executive Session concluded at 11:21 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.

#### PUBLIC MEETING TO CONSIDER A RESOLUTION GRANTING FEDERATED ORDNANCE, LLC, A PROPERTY TAX EXEMPTION, PURSUANT TO IDAHO CODE, SECTION 63-602NN

The Board met today at 11:22 a.m. for a public meeting to consider a resolution granting Federated Ordinance, LLC, a property tax exemption pursuant to Idaho Code Section 63-602NN. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Caldwell Mayor Jarom Wagoner, Steven Jenkins with the City of Caldwell, Ryan Jacobson and a representative from Federated Ordinance, LLC, other interested citizen and Deputy Clerk Jenen Ross. Mr. Jenkins provided a background of his involvement with this project over the past two years speaking favorably about the wages they'll provide, number of employees they'll be bringing to Canyon County, about their intent to expand which could provide additional opportunities and the diversity in industry this company brings. The City of Caldwell is fully supportive of this tax exemption. Mr. Jacobson gave a background of the company and what they do, the number of employees they employ and possible expansion. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution granting Federated Ordinance, LLC, a property tax exemption pursuant to Idaho Code 63-602NN (see resolution no. 23-184). The meeting concluded at 11:35 a.m. and an audio recording is on file in the Commissioners' Office.

#### FY2024 BUDGET REVIEW/WORKSHOPS FOR: HUMAN RESOURCES DEPARTMENT, DEVELOPMENT SERVICES DEPARTMENT, FLEET DEPARTMENT, AND FACILITIES AND WEED & PEST DEPARTMENT

The Board met today at 1:32 p.m. for an FY2024 budget review/workshop for the following departments: Human Resources; DSD; Fleet; and Facilities and Weed & Pest. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, HR Director Kate Rick, Clerk Chris Yamamoto, Controller Zach Wagoner, Auditing Supervisor Sarah Winslow, Fleet Director Mark Tolman arrived at 1:43 p.m., Keri Smith arrived at 1:46 p.m., DSD Director Sabrina Minshall arrived at 1:53 p.m., DSD Officer Manager Jennifer Almeida arrived at 1:56 p.m., DSD Planning Official Dan Lister arrived 2:09 p.m., Facilities Director Rick Britton arrived at 2:16 p.m., Facilities Manager Becky Kearsley arrived at 2:38 p.m., and Deputy Clerk Monica Reeves. The department workshops were as follows:

##### Human Resources Budget:

COO Rast provided Director Rice with the questions noted below and today's workshop centered on the following discussion topics:

### **A Budget – Personnel**

1. Overall discussion on A Budget is needed - In the first Workshop the A Budget was not complete.
  - She is requesting an extension of the HR Investigator's hours from 25 hours per week to 30 hours per week due to increased workload. (It will be a three-quarter fulltime employee)
  - Requesting a new Position Risk and Safety Manager - Assessment of the criticality: 8, It's not mission critical, but there are number of workers comp injury cases that this new position would follow up and track and it help us improve our safety culture and reputation and get information to employees so they are aware of safety and the need to operate within safety standards. Last year the premium was about \$750,000, but with someone focused on the risks and safety we would be able to reduce the number of accidents and of critical accidents, thereby reducing the workers comp expenses and the premium. Commissioner Van Beek agrees that the position is needed.

### **B Budget - Expenses**

1. 521120 Misc. Professional Services - Requesting \$10,000 for the ADP onboarding module.
2. 533310 Copiers Contract - An adjustment can be made because Director Rice said the department will reduce the number of click counts because with the ADP module they will not be printing as much.
3. 542203 Cellular Phone - \$2,000 - Currently the HR Investigator's phone is the only expense, but HRD Rice would like to offer the Risk and Safety Manager a cell phone.
4. 543305 Postage - Average roughly \$1400 (COO Rast recommended an adjustment to \$1500)
5. 545502 Mileage - \$100, Transfer to Fleet, zero out
6. 546635 Subscriptions - FY2023 \$5,000 - YTD \$4,800 - FY2024 \$0.00. They no longer need or use their annual subscription resource she recommends it be zeroed out.
7. 548410 Health Maintenance - Renamed to Employee Wellness and it was reduced from \$20,000 to \$2,000 because the move from Flores to Peak One resulted in a cost savings. HRD Rice wants to offer an inhouse Type II Diabetes prevention course.

### **General Questions**

Employee Appreciation adjustment discussion. HRD Rice wants to work with CCSO PIO Decker and the Director of Constituent Services to coordinate event dates. There was discussion regarding training for employees.

The HR Dept workshop concluded at 2:01 p.m.

#### Development Services Department Budget:

COO Rast provided Director Minshall with the questions noted below and today's workshop centered on the following discussion topics:

##### **Budget - Expenses**

1. 577110 Software - Discussion to move Project Docs and the Code Enforcement Clear software costs to 533301 Service Contracts for ongoing support.
2. 545506 Gasoline and Oil - \$28,000 - zero out/move to Fleet
3. 554490 Misc Supplies – \$2,352.00 (Hearing Devices) - BOCC/Public Meeting Room - Zero out the line item because IT has funds for this built into the budget to maintain these two areas for audio/visual. COO Rast said the total solution will cost more than \$2,300.
4. 684340 Trucks and Pickups - \$100,000 - Zero out and move expenses to Fleet (2 - Vehicles)

##### **A Budget – Personnel**

1. 413080 - Itemize this request \$111,516. PowerPlan explains the plan, but the request doesn't itemize this request. Please discuss the proposed changes that equal 111,516, is project compensation included in this number? Compensation is pending HR recommendation. The original proposed amount from the Clerk and Controller for salaries (\$2,009,727) was lower than her lower FY2023 approved budget (\$2,076,254). She has six positions that have been underfilled but it's not a good practice to underfill unless we have no choice and unless we have a clear path that we are bringing somebody in here and how are we going to get them here in a short period of time. It is part of why she will bring more information about reorganization and personnel in an executive session next week. Director Minshall reviewed her plans for reorganization/repurposing salary detail. There are plans for an executive session to discuss reorganization in DSD. She is suggesting 32 fulltime positions instead of 33. Options that would change revenue and expenditure.

*The DSD budget workshop concluded at 2:16 p.m.*

#### Fleet:

COO Rast provided Director Tolman with the questions noted below and today's workshop centered on the following discussion topics:

### **Revenues**

1. 369151 Fuel Reimbursement - \$525,000 - Remove - Consolidate of County Fuel will be treated as expenses with no charge backs to individual budgets.
2. Discussion - Add revenue lines to capture true cost.
  - Insurance Reimbursements
    - Add placeholder amount of \$50,00 on revenue, and \$150,000 on the expenditure side
  - State, Grants, & Other Received Funds
  - Auction Revenue
    - Add revenue to Fleet budget

### **A Budget – Personnel**

1. 413050 - Requesting \$20,000 for a part-time technician and office assistant.
2. Overall A Budget - Proposed FY2024 seems to be underfunded by \$65,000 compared to FY2023 amended. Controller Wagoner will correct that error.

### **B Budget - Expenses**

1. 533301 Service Contracts - Status of Vehicle GPS Tracking Device Procurement and Implementation? Can some devices be purchased in FY2023 with any savings within the Fleet Budget? Director Tolman said the devices are being added out of this year's budget. For next year he added \$15,000 to the line item to cover 58 units.
2. 545509 County Fuel - \$525,000 - Discussion - Increase to \$600,000 to capture individual costs with diesel and reimbursements. Excluded (Landfill/Solid Waste – Enterprise fund and they maintain their own fuel tanks onsite). Weed and Pest line item of \$14,000 for fuel. Director Tolman wants to get a true picture of the fuel being used for that department. Canyon Highway District will be asked to send the fuel bill for the Weed and Pest Department to Director Tolman. The fuel line will be increased from \$525,000 to \$539,000.
3. 548400 Miscellaneous - \$6,000 - This expense is for the fuel system and the car wash system. Director Tolman wants to rename the line item to fuel/wash system maintenance, with \$5,000 and the other \$1,000 for miscellaneous. Controller Wagoner asked if there is an existing line item that could be used rather than creating another one? There is a miscellaneous maintenance services line that Director Tolman uses for alignments, outsourced repairs, and specialty repairs. The Controller prefers to see it in a line item that already exists. Miscellaneous Maintenance services - leave \$1,000 in misc. line, and the Fleet misc. maintenance will go to \$9,000.
4. 545502 County Mileage - Add and fund Fleet Department with the consolidation of mileage reimbursement expenses. - With new Vehicle Use Policy and Driver's License quarterly checks

(Fleet/HR), this ensures proper and approved drivers are being reimbursed. Discussion - Run County actual expenses for last three fiscal years and add 10% for consolidation purposes. Director Tolman wants to make sure people are showing insurance when using personal vehicles and that they have looked at the option of a motor vehicle before using their personal vehicles. COO Rast said with the new vehicle use policy we are doing driver's license checks and we want to make sure we are paying out mileage reimbursement to those who are qualified to drive a County vehicle, especially if it's tied to their job description to drive for work. Controller Wagoner said the appraisers use their own vehicle and they will submit a claim form that goes to Mark to review and verify, then it goes to the Auditor to be processed. Commissioner Brooks asked why the Assessor doesn't get a fleet vehicle. Director Tolman said that's what he will get a handle on. Controller Wagoner said it may cut down on the paperwork, but he doesn't know what it will do on the expenditure side, it depends on how often the appraisers need the vehicles and how much access they have to fleet vehicles. Director Tolman said there hasn't been a time this year that a motor pool vehicle has not been available. In most cases there is a savings in the use of a fleet vehicle versus reimbursing at the federal reimbursement rate for mileage. Commissioner Brooks said there is a much greater liability of someone driving a personal vehicle versus a motor pool vehicle. The Controller asked why we're paying mileage if there is so much savings, and if a fleet vehicle is available why are we paying mileage? Commissioner Holton said an issue has been identified and there is a mechanism to deal with it; the Board is not doing this to create a problem, it's doing it to create efficiency. COO Rast suggested we look at the expenses for the last three years and add 10%.

5. 684330 General Vehicles – Motor pool Related Costs stay in this budget line item.

1 – Motor pool vehicle addition for checkout and County use.

6. 684xxx County Vehicles - Discussion - Add an expense line item to consolidate all vehicle requested purchases including tractors, UTV, and anything Fleet has expenses to maintain.

- Total request \$1,341,000 for new vehicles and equipment - 26 Requests
  - Sheriff – 16 Vehicles (14-Patrol includes 4 new proposed deputies on duty, 2-CID)
  - DSD – 2 Pickups
  - Juv. Probation – 2 Vehicles
  - Facilities – 2 Pickups
  - Prosecuting Attorney – 1 Vehicle
  - Weed/Pest – 1 Vehicle
  - Fair – 1 UTV
  - **Excluded:** 1-Landfill / Solid Waste (Enterprise Fund)

*The Fleet budget workshop concluded at 3:08 p.m.*

The Board took a break from 3:09 p.m. to 3:12 p.m.

Facilities budget workshop began at 3:15 p.m.

COO Rast provided Director Britton with the questions noted below and today's workshop centered on the following discussion topics:

### **Courthouse Revenues**

1. No General Questions, No Revenue

2. Discussion regarding adding ARPA funds for associated expenses. Director Britton has had conversations with the Chief about where we are with ARPA funds, totaling \$38,610,224, for upcoming projects:

Animal shelter warehouse - \$4.1 to \$4.4M for projected costs

Ambulance district - allocated \$2.5M

Elections building - \$4.1M for projected costs

Sheriff's administration building – potentially allocate \$26M to \$27M, depending on where the other project costs fall

The costs are estimates until contracts are in place and we have a maximum price. Controller Wagoner said we have an entirely separate and distinct ARPA fund that helps with reporting and the outside audit and there's a tremendous amount of review that goes into the expenditure of federal monies and it's helpful to have it in its own separate fund. It's best to keep it in its own separate fund to help greatly with reporting and transparency. We need to identify the funds to be paid for with ARPA dollars and put them in a separate accounting fund. It would be outside the Facilities budget but it would be under Director Britton's control, authority, and review but from an accounting standpoint it would be a different chart of accounts so we know this is ARPA specific.

3. Discussion - Remove 369158 materials reimbursement due to consolidation. COO Rast said the Sheriff's Office had plans for a \$450,000 modular unit at Lake Lowell to house deputies, but they will put it on the backburner since the potential CCSO administration building costs are coming in higher than anticipated.

### **Courthouse A Budget – Personnel**

1. A Budget appears to be underfunded by \$213,681 from FY2023 Amended to FY2024 Requested. Director Britton doesn't know why it's underfunded. Controller Wagoner said he is not seeing where it's short, but payroll is constantly changing so he can double check and make sure we have the most up-to-date information based on recent changes.

2. (5) New Position Requests – (2) Fair Maintenance and Grounds / (2) Housekeeping / (1) Project Manager/Owner's Rep. Director Britton explained the need for additional staff to maintain the Fair, lake, parks, and County campus properties. The project manager/owner's rep will assist Director Britton who has recently taken over the Weed and Pest Department.

## Courthouse B Budget - Expenses

1. 533314 Animal Shelter maintenance - \$100,000 - zero out and move to the Animal Shelter budget. Discussed upcoming and future projects for the shelter (roof replacement, HVAC units, washer and dryer).

2. 554401 Building Supplies and Materials - \$70,000, increased from \$60,000 - Is this enough for all requested remodels/cabinetry/facility services by Offices and Departments in FY2024? - Do we move Fair Building Supplies and Materials Budget of \$15,000 into Facilities? The \$70k,000 is to maintain the buildings. He summarized the FY2024 projects for offices and departments (a copy of the list is on file with this day's minute entry.) For elected offices the total budget for projects is \$957,750 (less the \$450,000 for the Sheriff's substation at Lake Lowell). There was discussion on whether some of the projects could be covered with ARPA funds. Parks Director Nicki Schwend spoke about the parking issues at Lake Lowell. Clerk Yamamoto said we need to get a handle on the numbers and have placeholders until it's sorted out. The total budget for FY2024 projects requested by department administrators is \$205,321. Director Britton asked if the Board wants to allocate those funds into the 554401-line item for building supplies and materials, or does it want to start a new line item? Controller Wagoner said in certain instances we will need to track individual projects because they will end up as assets so we may need to use different codes and so he will work with Director Britton and evaluate what projects will be in what line items. Regarding the TCA courtroom project, the Controller said we should use the state court facilities fund to pay for that instead of using property tax. Commissioner Holton agreed and said it will need to be charged back to the TCA. Controller Wagoner said it will need to be budgeted in the court facilities fund and expensed from there. Commissioner Holton agreed and said the TCA should be taken out and enumerated in some manner that it will be back-charged to the court. COO Rast asked about the HVAC projects for the departments and stated his concern for having them spread throughout multiple budgets. Commissioner Van Beek wants those expenses in the Facilities budget.

Because the Board has a 4:00 p.m. with the ambulance district it decided to continue the remaining portion of the Facilities budget and the Weed and Pest budget to a later date. The Facilities budget workshop concluded at 4:03 p.m. An audio recording is on file in the Commissioners' Office.

### ACTION ITEM: CONSIDER A NOTICE OF LIEN FOR 5903 OAK STREET IN NAMPA

The Board met today at 3:12 p.m. to consider a notice of lien for 5903 Oak Street in Nampa. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, Facilities Director Rick Britton, Facilities Office Manager Becky Kearsley, and Deputy Clerk Monica Reeves. Director Britton said proper notification has been given to abate the property which has become a fire hazard with weeds, etc. They sent certified letters and staked a notice in the yard but the owner did not comply so a contractor was hired to complete the work last Saturday. The

County will pay the contractor for the abatement and will invoice the owner and he will have 30 days to pay it but if he doesn't pay the County will issue a lien. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the notice of lien for the property located at 5903 Oak Street in Nampa. The recorded lien (Instrument No. 2023-022752) is on file with this day's minute entry. The meeting concluded at 3:15 p.m. An audio recording is on file in the Commissioners' Office.

## JULY 2023 TERM

CALDWELL, IDAHO JULY 18, 2023

### FY2024 BUDGET REVIEW/WORKSHOPS

The Board met today at 9:06 a.m. for FY2024 budget review/workshops. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Chris Yamamoto, Controller Zach Wagoner, Auditing Supervisor Sarah Winslow, Parks Director Nicki Schwend (left at 9:48 a.m.), Solid Waste Director David Loper, Facilities Director Rick Britton (left at 9:48 a.m.), COO Greg Rast, Assistant Director of IT Eric Jensen (arrived at 9:26 a.m. and left at 10:14 a.m.), Solid Waste David Loper (arrived at 9:53 a.m.) and Deputy Clerk Jenen Ross.

#### **Parks, Cultural and Natural Resources - 9:06 a.m. to 9:47 a.m.**

COO Rast provided Director Schwend with the questions noted below and today's workshop regarding the Parks, Cultural and Natural Resources department centered on the following discussion topics:

##### **Revenues**

1. No Questions

#### **A Budget – Personnel (6 FTE) and (Seasonal and Part Time Staff)**

1. Asking for 2 new positions

- Park Supervisor (Celebration Park)
- Historic Preservation Officer

*Commissioner Holton stated he is supportive of the two new positions.*

#### **B Budget – Expenses**

- 531107 – Gasoline – \$6,000 – Move to Fleet
- 554401 – Building supplies/maintenance – \$10,000 – Preference on Parks vs Facilities Budget?
- 554402 – Ground Maintenance supplies – \$44,000 – move to Facilities?
- 554403 – Building and maintenance – \$15,000 – move to Facilities?
- 554410 – Janitorial Supplies – \$8,000 – move to Facilities?
- 577100 – Move Panic Buttons to IT or Facilities? - \$1,700 Discussion
- 682270 – Capital construction contracts – Move to Facilities?
  - HVAC System for Museum Mezzanine – \$18,000

- Window Actuators Museum – \$26,000
- 683340 – Other Improvements – \$225,000 – Celebration Park Decking
- Move to Facilities?

*Following discussion, it was decided all the line items would remain in the Parks budget for the time-being with further conversation to follow regarding the maintenance and building line items.*

### **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?
2. Gun Range Topics of Discussion and Potential Revenue Source? *A Board meeting was held recently and several projects have been discussed; the budgeted amount is sufficient for the time-being. Ideally, the gun range would be self-sufficient in 4 to 5 years.*
3. Revenue generating for Celebration Park/dormitories?

*Grant monies will be kept in their own fund for tracking purposes.*

### **Information Technology - 9:48 a.m. to 10:13 a.m.**

COO Rast provided the questions noted below and today's workshop regarding the Information Technology department centered on the following discussion topics:

#### **Revenues**

1. No Questions / Limited Revenue

#### **A Budget – Personnel (36.5 FTE)**

1. Asking for (1) new position – \$76,000 + Benefits = \$104,140 – Programmer Analyst II, *this is based on a request by the Treasurer and Assessor and there is really a great need for this position.*

#### **B Budget – Expenses**

577138 – Communications Equipment – Adjust \$60,500 to \$65,000

- Move DSD Expense to IT – Administration Public Meeting Room ADA Hearing Devices – Wireless (\$4,500)

548400 – Miscellaneous – Zero out and move expense to new Expense line 554445 Uniforms – \$1,000

554405 – Security Systems – Account used to fund unexpected security expenses including panic buttons, camera heads, server storage, and replacement servers as needed for video surveillance.

- Panic Button Installation for Celebration Park can be fulfilled in this line item.

### **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?
  - a. Fiber Projects will leave expenditure in Facilities to ensure ARPA funds will be used.
    - i. Warehouse

- ii. Elections
- iii. CCSO Administration Building
- iv. TBD – Lake Lowell Modular Office – CCSO Deputy Staffing on Location

b. GIS Help? – Elections – *one person would be needed to oversee this section of GIS; could be a Clerk or IT position.*

c. Budget increase of \$238,355 – *due to the need for additional storage and increases to service contracts; the majority of increase is on the A side of the budget.*

*The Board went off the record from 10:14 a.m. to 10:23 a.m.*

#### **Solid Waste - 10:23 a.m. to 10:53 a.m.**

COO Rast provided Director Loper with the questions noted below and today's workshop regarding the Solid Waste department centered on the following discussion topics:

##### **Revenues**

1. Will Revenues stay flat? *Discussion ensued as to whether the projected revenue should be reduced. One consideration is to use the FY23 revenue number and reduce it by 5%. Director Loper indicated that there will probably be an evaluation of the fees during FY24 and discussion ensued regarding the impact this may have on the revenue portion of the budget.*

#### **A Budget – Personnel (30 FTE)**

1. No Questions, no new staff request
2. FY2025 – Proposed Succession Planning or more Office Administration Help. Is this still the plan? *One new FTE may be requested in FY25.*

#### **B Budget – Expenses**

All Items were adjusted from first workshop:

361101 – Interest on Savings – Change from \$250,000 to \$300,000

382752 – Equipment – Change from \$235,000 to \$250,000 (Equipment Projected Sale)

683340 – Other Improvements – Hardscape – \$350,000

No Other Questions:

No consolidation of Fuel, Mileage, Equipment, or Facilities funding.

#### **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?

a. Will a fee increase be proposed in FY2024?

b. Confirm that hardscape curbing price is same and included? *Vendor honored original quote of \$326K.*

*Director Loper would like to add \$25,000 to education/training for certain personnel to attend ongoing annual training.*

The meeting concluded at 10:53 a.m. and an audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING ADDENDUM NO. 1 FOR ARCHITECTURE/ENGINEERING SERVICES FOR THE CANYON COUNTY SHERIFF'S OFFICE BUILDING PROJECT; AND ADDENDUM NO. 1 FOR CM/GC SERVICES FOR THE CANYON COUNTY SHERIFF'S OFFICE BUILDING PROJECT

The Board met today at 1:24 p.m. to consider signing Addendum No. 1 for **Architecture/Engineering Services** for the Canyon County Sheriff's Office Building Project; and Addendum No. 1 for **Construction Manager/General Contractor Services** for the Canyon County Sheriff's Office Building Project. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, Sheriff Kieran Donahue, Facilities Director Rick Britton, Deputy PA Oscar Klaas, Captain Chuck Gentry, Captain Harold Patchett, Lt. Martin Flores, other interested persons, and Deputy Clerk Monica Reeves. Deputy PA Klaas said both RFQ's for the services have running concurrently and the same questions and same answers are being issued for both projects since the prequalification meetings were held together. He noted that the addendums are being signed one day earlier than the published schedule, but it won't affect the calendar of events listed in the RFQ. Commissioner Van Beek said she spoke with Alex Adams who is the financial advisor for the Governor and handles a lot of the ARPA policy. As we get ready to move forward Mr. Adams' position is that anything over \$10M needs to have a worksheet calculation to quantify the rest of the revenue we want to receive, and in the absence of that it will be an oversight and due diligence will need to be in place so there is no "back claw" from the Treasury. She said Mr. Adams said while those guidelines have relaxed a lot in order to protect the County financially the Commissioners should have that information before moving forward with funding it with that. Commissioner Van Beek asked if there are calculations from the Controller? Deputy PA Klaas said it's his understanding the County plans to utilize revenue replacement funds from the ARPA and the building of a Sheriff's office building would fall squarely under the definition of a public use so he doesn't think there is any impediment for the County to go ahead. As revenue replacement it is more than just the infrastructure, it's a different category of ARPA funding. Commissioner Van Beek said it's not a problem up to \$10M, we need to justify the other "x" number of millions after the first \$10M that qualifies that. COO Rast said that's a bigger discussion with the Clerk and Controller. Director Britton said he and Deputy PA Klaas have communicated with the Controller about the funds and he said we are able to use the funds for the Sheriff's building. Commissioner Van Beek said Mr. Adams said the Treasury should be noticed on the intent and put a deadline on when the response is required and then if there's any question on the audit of those funds for revenue replacement they need to see the revenue replacement calculation worksheet for anything over \$10M. Commissioner Holton recognizes what Commissioner Van Beek is saying but said it's outside of today's procedure and when we need to be at that step we can be sure we have our I's dotted and T's crossed. Commissioner Van Beek said the contractors and architects will want guaranteed payment and so this would be the step for guaranteed payment. Commissioner Brooks made a motion to approve Addendum No. 1 for Architecture/Engineering Services for the Canyon County Sheriff's Office Building Project; and Addendum No. 1 for CM/GC Services for the Canyon County Sheriff's Office Building Project. Commissioner Van Beek seconded the motion for

discussion and said she wanted her discussion points noted on the record. The motion carried unanimously. The meeting concluded at 1:31 p.m. An audio recording is on file in the Commissioners' Office.

#### FY2024 BUDGET REVIEW/WORKSHOPS FOR PUBLIC DEFENDER DEPARTMENT, COUNTY AGENT, AND TRIAL COURT ADMINISTRATOR

The Board met today at 1:33 p.m. for an FY2024 budget review/workshop for the following departments: Public Defender Department; County Agent; and Trial Court Administrator. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, Clerk Chris Yamamoto, Controller Zach Wagoner, Auditing Supervisor Sarah Winslow, Public Defender Aaron Bazzoli, County Agent Tasha Howard, Acting Trial Court Administrator Benita Miller, Deputy TCA Laura Kiehl, Chief Marshal James West, Jury Commissioner Christina Jeffs, other interested persons, and Deputy Clerk Monica Reeves. HR Director Kate Rice arrived at 2:25 p.m. ADJ Davis VanderVelde arrived at 2:28 p.m. The workshops were as follows:

##### **Public Defender Budget:**

COO Rast provided PD Bazzoli with the questions noted below and today's workshop centered on the following discussion topics:

##### **Revenues**

1. [How much will Canyon County be receiving from the PDC? Revenue numbers were at \\$0.00 at last meeting and remain \\$0.00.](#) Mr. Bazzoli said the number is \$3,482,372. Controller Wagoner said we need to separate the two sources of cash; we have the PDC grant money and a share of sales tax money. This year's PDC grant was \$1.1M, and in addition to that for a full fiscal year there should be \$4.6M from sales tax provided by the state. There is also repayment revenue that's averaged \$200,000 a year.

##### **A Budget – Personnel (52 FTE)**

1. [Is there an update from the PDC on the funding of a new Attorney?](#) Mr. Bazzoli doesn't believe he will receive funding from the PDC for a new attorney. If they do not fund a new attorney he will not seek one through the County.

2. [Mentioned in budget letter – \(2\) Staff going from DPD I to DPD II – Is that accounted for in the salaries and benefits?](#) Mr. Bazzoli has communicated with HR and the Controller about this. In a year from now his employees will become state employees and will join into different pay bands that the state uses.

##### **B Budget – Expenses**

[548512 – Legal Research Fees – Please verify amount of request for FY 24 on legal research fees. Notes show \\$43,000. Power Plan shows \\$3,625.](#) Mr. Bazzoli said the \$3,625 amount is in error. He is in the process of renegotiating the contract to reduce the cost and wants to keep it at \$43,000 for one more year.

548012 – Interpreter Fees – (FY2023 actuals \$2,866) (FY2023 budget \$2,000) – How do you use interpreter fees? In court or direct client communications? Mr. Bazzoli explained how the PD office uses interpreters outside the courtrooms.

577100 – Computer Equipment – Prefer to keep expense to keep equipment up to date through 2025 - 2029. \$35,000 is currently budgeted for 13 standard desktop computers, 9 laptops, and printer copiers.

#### General Questions

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?

a. Who schedules interpreters? Is it first available or is there negotiation on price/availability?  
b. Is there an interpreter pool resource?

c. Is there an update in vacation payout? Who is responsible: state or county? Mr. Bazzoli said last year the amount was \$250,000 and he estimates this year's amount would be close to that. There was discussion about how this will be handled when employees transfer to the state. Controller Wagoner said the hours were accumulated while they were County employees and he said there was a circumstance a few years ago where jail nursing transitioned to a private contract and the County paid out vacation balances, and so it's likely the County will be on the hook some way financially for that liability. Commissioner Holton said the employees should be encouraged to not wait until the last year to do it because there are tax implications. Mr. Bazzoli said employees will be encouraged to use their vacation time. It's likely their sick time will go away when transferred to the state, and he has addressed this issue with the Governor's Office because it doesn't seem fair to the employees.

d. Is there an update on value per square foot on occupied space? Check with the Facilities Director on this topic.

The Public Defender's budget workshop concluded at 1:58 p.m.

#### **County Agent Budget:**

COO Rast provided Ms. Howard with the questions noted below and today's workshop centered on the following discussion topics:

#### **Revenues**

1. No Questions

#### **A Budget – Personnel (3 FTE)**

1. **Requesting 3% Salary Compensation.** Ms. Howard said it's a general metric given by the University of Idaho and although the three positions are County positions that's what's recommended by her supervisor when calculating salaries. Commissioner Holton said the

County has not yet calculated salary compensation but it will be coming. Ms. Howard reviewed the pay levels for her staff.

## **B Budget – Expenses**

1.554401 Building Supplies and Materials – \$11,500 – Move to Facilities

o Convert Grid and LED Lighting – \$7,500

o Divider Wall to separate conference room – \$4,000

2. 545502 Mileage – **Discussion** – \$17,700 (Consolidate or Not/Fleet) The mileage reimbursement is for 6 potential positions. Commissioner Brooks asked if there is a legal reason Ms. Howard and her staff have to use their personal vehicles rather than a fleet vehicle. Ms. Howard said it's her understanding there are legal issues because there are only 3 County employees, the rest are supervised by the U of I. Perhaps she could look at other jurisdictions and see how they handle it. They received a grant so they could reduce the 4-H mileage by \$1,500 for this fiscal year. There was discussion regarding staff travel, and how the MOU between the County and the U of I is coming up for renewal and the travel language could be reviewed.

## **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments? Controller Wagoner said there was a request for an increase in the County Agent's contract line of \$25,000, and he asked if there is Board support or direction for that? Ms. Howard said the increase mostly comes in the mileage because they are losing the ARPA funding from the grant which is the same reason she is asking for a part-time assistant position to be funded in the County Agent's contract. Commissioner Brooks is okay with leaving it in there for now, but he would like further discussion about it.

The County Agent's budget workshop concluded at 2:14 p.m. (The Board took a brief recess at 2:15 p.m. and resumed at 2:26 p.m.)

## **Trial Court Administrator Budget:**

COO Rast provided Acting TCA Benita Miller and ADJ VanderVelde with the questions noted below and today's workshop centered on the following discussion topics:

### **Revenues**

1. Verify receipt of \$142,800 for Interpreter fees

Fee structure: \$ 90,000 Canyon County

\$ 15,000 Owyhee

\$ 20,000 Payette

\$ 8,904 Washington

\$ 8,904 Gem

\$ 142,800

Interpreter fees are for all six counties in the Third Judicial District. Acting TCA Miller said they receive quarterly payments totaling \$142,800 which are deposited with the County Treasurer. Commissioner Brooks asked about the expenditure amount of \$1,749 which seems low. Controller Wagoner said the expenses for contract interpreters are in the district court fund. In addition to that Canyon County has a fulltime employee that provides interpreting services and coordination so that is not a contract payment, it's an FTE and is included in the salaries and benefits of regular employees. It's not broken out on its own specific individual line item. Commissioner Van Beek said interpreters are in a number of budgets across the County and she asked why it's not being managed by one person with eyes on scheduling and budgeting. Controller Wagoner said it's very centralized with one person coordinating the majority of the interpreting activity for Canyon County. The cost to Canyon County for court interpreting is \$200,000, and we receive \$90,000 in revenue. Property tax makes up the difference of \$110k. There's a new wrinkle that started with FY2023, the state upped the dollar amount they are providing and now we are paying for interpreting services for these other counties within the judicial district. There are new line items for interpreting services for other counties in the judicial district. Acting TCA Miller said previous to this fiscal year they have always paid out of the revenue received from the Supreme Court for the five other counties. She said TCA Jamie Robb assigned TCA staff to do the outside counties because they pay a TCA fee in Canyon County as part of revenue stream and that would be a portion of our services. The Board and COO Rast had follow-up questions for the Controller.

#### **A Budget – Personnel**

1. 413075 Compensation Program – \$106,867 (Remove Until HR Recommendation) Acting TCA Miller requested this amount not be removed until the TCA receives the recommendation from the HR Director.

2. Staff Attorney (PCN was funded but may or may not be needed)

3. 413080 New/Reclassified Positions – Itemize \$87,852

(Pulled from Clerk's FY2024 Request Letter)

a. Jury Commissioner – \$10,068 Increase

b. Chief Marshal – \$15,500 Increase

c. Staff Attorney – \$11,099 Increase

d. Jury Clerk Full Time – Mid-point – \$51,979

e. PT Court Assistance Office Admin Assistant – \$22,105 (Is this in 413050 Part Time) Will remove and have ARPA funded position cover.

4. Are these proposed wages passed through HR Compensation and the Controller? Acting TCA Miller said the proposed salary increases had not been reviewed by HR and Controller prior to the budget hearing, but they are looking into it and will provide a recommendation. She recommends they not be renewed until she has the recommendation from HR and Controller. We need to look at the ranges. They have submitted a job description for the chief deputy marshal position because the salary range for the chief is the same as the deputies he supervises. Commissioner Van Beek said given the supervisory and responsibility for courthouse security she is in favor of a review of the salary. There was further discussion regarding salaries for the marshals. There was

also discussion regarding the request for new positions. The TCA is removing the request for a part-time court assistance office administrative assistant position and will have the ARPA funded position serve the family court services and court assistance office, and act as a resource for people facing eviction. In other judicial districts the position with the ARPA funding is referred to as a court navigator position and they assist people throughout the judicial system in addition to those eviction cases. Regarding staff attorney request, Judge Vander Velde the position will fill multiple roles and will assist with projects of the ADJ, such as policies, and a number of things that are on the backburner because they have not had the resources to deal with; and it will be a vital resource to the senior judges and will help the magistrate judges as well. Controller Wagoner said the new staff attorney was funded in the FY2023 budget and the position is now filled the position is included in the FY2024 numbers. There is a request for an assistant jury commissioner position.

## **B Budget – Expenses**

1. 542201 Cellular Phone – Adjust from \$6,900 (Recommended: \$11,000). There are 7 FT Marshals, 10 PT Marshals. Suggest each Marshall carry a county phone.  
 $17 \text{ marshals} \times \$50/\text{phone} = \$10,200$

Acting TCA Miller said it includes \$225 per month to Verizon for 3 employees who have a County issued cell phone, and an on-call cell phone for the magistrate judges who are on call on the weekend. It includes stipends for employees, cell phones for chief judicial marshal and the lead judicial marshal. Commissioner Van Beek asked what it would look like for all 17 marshals to be equipped with a County cell phone. The cost would be \$10,200. She wants the courthouse secure with coverage. Commissioner Holton wants to be sure the marshals get a cell phone, and he asked Ms. Miller to follow-up and let the Board know what that looks like.

2. 545501 Meals – \$13,500 – Why has this doubled?

a. (FY2023 YTD \$13,059) / (Budget \$7,500)

b. FY2022 Actual \$8,178

c. FY2021 Actual \$4,097

Laura Kiehl said the jury commissioner is tracking data that wasn't previously tracked and they are on track to nearly double last year's number. The number of violent crimes has increased as are the number and length of trials and the necessity to feed jurors. They are asking the Board to partner on a policy for spending and having a separate line item so they can track jury meals more closely. They also want a revenue line item that shows the jury fees that are being donated back to the County. The TCA office would like a policy for meal funds where they set in place a standard policy for how, when, and why they are feeding staff when meetings are called. Because the meals line item is combined it is demonstrating meals for juries as well as any outside meals through the TCA. Controller Wagoner said the audit supervisor has already created that line item and he asked how they would like it split. Ms. Kiehl said the request for Jury meals is \$7,500 and the remaining \$6,000 for TCA meals with a policy on how funds are being spent. Controller Wagoner said the County has an IRS-approved accountable plan that addresses that, and the Audit office can review that with the TCA. ADJ Vander Velde said one of the intents is to create a policy with respect to the jurors' meals too so that there is clarity on what those comprise.

3. 545502 Mileage - \$535 - Zero out, Move to Fleet (Discussion: Is this County Business) Acting TCA Miller said mileage is for the treatment court coordinator. Controller Wagoner said the treatment court fund does not receive any property tax dollars or sales tax dollars, it's funding through participant fees and state monies. We don't want to have the County paying the mileage for the treatment court employees, it needs to be housed in the treatment court fund.

4. 552220 Other Law Books – \$0.00 – Why zero with actuals previously expensed in prior years. \$4,200 should be added for law books. It should not be zero, it should be \$4,200.

5. 554446 Protective Gear – FY2023 YTD \$16,337 / Budget \$15,000 – FY2024 \$3,269

a. Why reduced? They hired 4 marshals in FY23 so there were new blazers and radios. All positions are filled. Requested \$4,500 budget. They hired new marshals: 2 blazers each marshal, new radios, guns. It was a onetime large cost as they built the force up. TCA wants to increase from \$3,269 to \$4,500.

### **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?

a. Can the Interpreter Coordinator schedule for all interpreter needs in the County?

b. Please provide update on funds received for eviction court. Is there a need for this position in the TCA's office? Still the plan to move from Part Time to Full Time via ARPA subrecipient funding approvals between the State/BOCC.

If so, what would they would be doing?

c. Is there state funding for judges' robes? No.

d. Why are new blazers needed for Marshals?

These questions were answered previously. The TCA proposes to return to a payment priority schedule for treatment courts where participants pay their fees directly through the Clerk's Office to take some of the burden of fee collection off the coordinators directly. Controller Wagoner would like to give this more thought before a change is made. The Board will take this under advisement.

The meeting concluded at 3:28 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER OFFER BY KYLE MILLS TO PURCHASE PARCEL NO. 36109013 0

The Board met today at 4:01 p.m. to consider an offer by Kyle Mills to purchase Parcel No. 36109013 0. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy Treasurer Jennifer Watters, Facilities Director Rick Britton, Kyle Mills, and Deputy Clerk Monica Reeves. Chief Deputy Treasurer Jennifer Watters said the property was taken for tax deed in 2009 for nonpayment of the 2005 taxes. The balance due is \$1,025.21 for the 2005-2022 taxes, including the estimated taxes for 2023. Kyle Mills said he is amenable to paying the back taxes. It's a small awkward section that comes into his backyard and he needs to know what property is his so he can install a fence. The property dimension translates to 0.04 of an acre. Commissioner Holton said we need to check with Legal on the process for letting go of publicly owned property. He made a motion to sell the property to Kyle Mills for the cost of back taxes. The motion was seconded by Commissioner Van Beek and carried unanimously. The Board will work with Legal on the process for selling the property and another public meeting will be scheduled to consider the sale and transfer to Mr. Mills. The parcel is located within the Greenleaf City limits and Commissioner Holton is the Mayor of Greenleaf and some of the funds from the sale could eventually be used in the general fund which helps pay his wages, but this piece of business is not large enough to sway his opinion one way or the other. He does not stand to gain financially from this transaction. The meeting concluded at 4:09 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2023 TERM

CALDWELL, IDAHO JULY 19, 2023

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Les Schwab in the amount of \$27,020.84 for the Solid Waste Department (PO #5594)

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Nereida Mireles, Clerk I (Underfill II); Lily Brown, part-time Interpretive Specialist; and Cory Flatt, Weed and Pest Superintendent.

#### FY2024 BUDGET REVIEW/WORKSHOP

The Board met today at 10:02 a.m. for a FY2024 budget review/workshop. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Chris Yamamoto, Controller Zach Wagoner, Auditing Supervisor Sarah Winslow, Treasurer Tracie Lloyd (left at 10:09 a.m.), Chief Deputy Treasurer Jennifer Watters (left at 10:09 a.m.), Assessor Brian Stender (arrived at 10:28 a.m.), Chief Deputy Assessor Joe Cox (arrived at 10:28 a.m.), Administrative Property Appraisal Supervisor Greg Himes (arrived at 10:28 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross.

**Treasurer 10:02 a.m. to 10:09 a.m.**

COO Rast provided Treasurer Lloyd with the questions noted below and today's workshop with the Treasurer's Office centered on the following discussion topics:

**Revenues**

1. No Questions – *no significant changes*

**A Budget – Personnel**

1. 413060 Temporary – \$5,000 – Discussion (Workshop Meeting #1 Notes move to \$10,000), *Treasurer Lloyd is comfortable with the \$10,000 amount.*
2. Has HR reviewed the Office Manager job description (currently funded but vacant) and had an updated job description been developed for the proposed reclassification to a Banking and Finance Manager? *Hoping to be finalized this week.*
  - a. How much is the proposed increase to for this position? *\$7000 was included in new/reclassified positions to account for the difference.*
3. Point of Interest – Programmer Analyst II requested in Information Technology to further support Assessment and Property Tax Divisions. *Brought forward as part of the IT budget.*

**B Budget – Expenses**

1. No Questions

**General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments? *No changes*  
Has there been additional communication or proposals regarding security services for the Administration Building? *Treasurer Lloyd said there has been brief discussion but nothing in-depth.*

Recessed from 10:09 a.m. to 10:28 a.m.

**Assessor 10:28 a.m. to 11:10 a.m.**

COO Rast provided Assessor Stender with the questions noted below and today's workshop with the Assessor's Office centered on the following discussion topics:

**Revenues**

1. Do you have updated revenue projections for FY2024? *Reappraisal: will be reduced to \$1000 for FY24. DMV: lost revenue for online transactions although administrative fees have been increased.*
2. Are you still on track for an administrative fee adjustment of \$4.82 bringing the fee to \$14.32, up from \$9.50? *Assessor Stender reviewed several handouts with the Board which are on file with this day's minutes.*

**A Budget – Personnel**

1. 411010 Elected Officials – \$95,794 – Is this correct? *Salary split between Reappraisal and DMV*
2. Point of Interest – Programmer Analyst II requested in Information Technology to further support Assessment and Property Tax Divisions. *Backed out of budget.*
3. Point of Interest – Civil Deputy requested in the Prosecuting Attorney's proposed budget. *Backed out of budget.*

4. Point of Interest – Human Resources working on specialty pay around bilingual responsibilities tied to job descriptions. *There will likely need to be a certification or assessment in order to qualify for specialty pay.*

5. How many part-time positions do you expect to fill? (4?) Motor Vehicle? / (?) Reappraisal

6. Were the 4 unfilled positions funded? *Reappraisal: 2 part-time positions and 1 temporary position that helps with PTR. DMV: 1 part-time and 1 temporary position. Not anticipating any employment changes.*

7. Please clarify which positions need to be reclassified and where you are at in the process with HR. How did the compensation compare with Ada County/ITD? *Currently working with HR on this. Assessor Stender feels that on the motor vehicle side the \$100,000 can be reduced to \$60,000.*

## **B Budget – Expenses**

1. 545502 Mileage – Reappraisal \$18,000 / Motor Vehicle \$1,500 – Zero out, Transfer to Fleet. *Mileage reimbursement will be submitted thru Fleet.*

2. 545506 Gasoline and Oil – Zero out, no transfer (Fleet will assume this cost)

3. 680410 Machinery – \$10,000 – What is this for in Reappraisal / Motor Vehicle? *2 Multi-function printers – one for Motor Vehicles, one for Reappraisal.*

4. 682270 Capital Construction Contract – \$25,000 (Discussion: Transfer to Facilities) *Remodel for the Appraisal office.*

5. 684330 General Vehicles – \$80,000 – Zero out, transfer to Fleet. *This is for 2 new vehicles. Mr. Rast said he's spoken with Director Tolman who has indicated he anticipates having 6 total vehicles available for Assessor's Office use.*

a. Please talk about the impact of having 6 fleet vehicles available for your department.

What are your projected needs for vehicles in the future given the growth in the County? *Discussion ensued regarding use of vehicles by the reappraisal division.*

6. Who does the scheduling for interpreters? Do you use a live person or an access line? *Used only as needed.*

7. Will you utilize Motor Vehicle 546610 Education/Training line in FY2024? \$3,000: *Due to staff shortages they have not had time to get people to training but they intend to achieve that in FY24.*

## **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?

Has there been additional communication or proposals regarding security services for the Administration Building: *Nothing more has been done but Assessor Stender would like to engage more on the topic.*

*Discussion was had regarding additional facilities for a DMV location.*

Controller Wagoner asked about a document that was provided to them by the Board regarding the Parks budget. He explained that yesterday there was what he felt was direction from the Board to leave certain expenditures in the Parks budget but today there is a recommendation from two department administrators to go in a different direction. Mr. Rast said that after the budget hearings yesterday he met with Directors Britton and Schwend regarding their concerns and really

wanting to move the funds around. Mr. Rast worked with them on the proposed changes then met with the chairman about those changes which he seemed supportive of. After Mr. Rast met with the chairman he met with the other Board members who seemed to be fine with the changes. Mr. Wagoner said he doesn't need to go thru the document line by line but just needs to know the direction of the Board. Commissioner Holton said he instructed the Directors to see if a compromise could be reached because he felt that during both of those budget hearings it became clear that there were unique budgetary items that wouldn't be able to be reduced down to \$1000 or completely eliminated due to the physical distance away and like Mr. Rast indicated those directors worked together to determine what made sense. Commissioner Holton said the direction from the Board is to amend budgetary line items as outlined in the memo provided to the Clerk/Controller. Below is an outline of the requested amendments and a copy of the email/memo provided to the Controller is on file with this day's minutes. Commissioner Brooks noted for the record that he was in no way involved in any of the discussion since yesterday. He was handed the document this morning and after reading thru it he is in consensus with what has been determined by the two directors, COO Rast and Chairman Holton have come up with. Commissioner Van Beek noted that she is also supportive of the recommended changes as presented.

Item #1

521120 Misc Professional Services – 8,000 move to Facilities (Erosion Mitigation – Celebration Park)

New adjusted Parks line item total – 11,500

Item #2

554401 Building Supplies & Materials – 10,000 (Move to Facilities)

New adjusted Parks line item total – 0.00

Item #3

554402 Ground Maintenance Supplies – 44,000 (Move 36,000 to Facilities)

New adjusted Parks line item total – 0.00 (Moving 8,000 to 554403)

Item #4

554403 Repair and Maintenance Supplies (Combining 554401 and 554403)

New adjusted Parks line item total – 20,000

Item #5

554410 Janitorial Supplies – 8,000 – Move to Facilities

New adjusted Parks line item total – 0.00

Item #6

682270 Capital Construction Contracts – New adjusted Parks line item total – 7,000 (680xxx account?)

18,000 A/C Museum (Move to Facilities)

26,000 Window Actuators in Museum (Move to Facilities)

Item #7

683340 Other Improvements – Move 225,000 To Facilities – Celebration Park Decking /  
Ada Compliance

New Adjusted Parks line item total – 150,000 Gun Range

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

CONSIDER FINAL PLAT FOR LS RANCH NO. 3, CASE NO. SD2022-0010

The Board met today at 11:15 a.m. to consider a final plat for LS Ranch No. 3, case no. SD2022-0010. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Engineering Coordinator Stephanie Hailey, Engineer Devin Krasowski, Tracie Kasper and Sam Huff and Deputy Clerk Jenen Ross. Stephanie Hailey gave the oral staff report stating that the preliminary plat was approved in August 2019 with 7 conditions which have been met. The property is zoned R-1 residential with average residential lot sizes of .97 acres. There are 32 residential lots, 4 common lots, internal public roads, pressurized irrigation, individual septic systems and City of Caldwell water services. County engineering reviewed and approved the final plat and construction drawings, participated in a post-construction site visit and compiled evidence for condition compliance. The County surveyor reviewed and signed the final plat. The final plat is in compliance with Canyon County Zoning Ordinance 7-17-13 and staff recommends the Board sign the final plat for LS Ranch No. 3. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the final plat for LS Ranch No. 3, Case no. SD2022-0010.

The meeting concluded at 11:18 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 11:22 a.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Case Mangers Jennifer Odem and Kellie George and Deputy Clerk Jenen Ross.

A lien release for case no. 2013-247 was presented to the Board as there was recently a lump sum final payment made on the account. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the lien release as presented.

The meeting concluded at 11:23 a.m. and an audio recording is on file in the Commissioners' Office.

## FY2024 BUDGET REVIEW WORKSHOPS FOR THE CLERK'S OFFICE, CORONER'S OFFICE, AND SHERIFF'S OFFICE

The Board met today at 1:33 p.m. to conduct FY2024 budget workshops for the Clerk's Office, the Coroner's Office, and the Sheriff's Office. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Clerk Chris Yamamoto, Controller Zach Wagoner, Auditing Supervisor Sarah Winslow, Recording Supervisor Emily Howell, Elections Supervisor Haley Hicks, Elections Specialist Brandi Long, Indigent Services Director Yvonne Baker, Director of Court Operations Jess Urresti, Coroner Crawford, Fleet Director Mark Tolman, Chief Deputy Sheriff Doug Hart, Sheriff's Financial Manager Dave Ivers, Captain Harold Patchett, Captain Ray Talbot, Captain Chuck Gentry, Lt. Martin Flores, Sheriff's PIO Joe Decker, and interested citizens, and Deputy Clerk Monica Reeves. Sheriff Kieran Donahue arrived at 3:15 p.m.

### **Clerk's Office Budget:**

COO Rast provided the Clerk with the questions noted below and today's workshop centered on the following discussion topics:

#### **Revenues**

(Audit) 346703 County repayment - What is this revenue line used for?

a. Why was revenue anticipated at \$200,000?

Controller Wagoner said it relates to indigent medical. There is still approximately \$60M in indigent medical liability debt outstanding and we are still billing and collecting that. In FY2022 there was \$250,000 that stayed with the County. We are acting as a collection agency for the state, unfortunately about ¾ of the money we collect we remit to the state and that's something that needs to be considered. There have been legislative changes and the Board has been given authority relating to indigent medical debt and he thinks we need to consider discharging the amount of debt owed to the state as it would be a break for the taxpayers. All monies would collected would stay with the County and where we are sending out the bills, following up, collecting and receipting the monies, it's appropriate the funds stay with the County since we are incurring the cost and doing the work.

The Board will have a workshop with Legal and the Clerk to further discuss this topic at a later date.

#### **A Budget – Personnel**

1. 411010 Elected Officials - \$79,659 (Is this accurate?) Controller Wagoner said the Clerk's salary is allocated between two accounting entities, a portion of the salary is paid from the current expense fund and a portion is paid from the consolidated elections fund. That amount is only the portion that comes from the current expense fund.

2. 413080 New/Reclassified Positions - \$239,148

413050 Part Time – \$15,000 - Controller Wagoner explained that a longtime employee who used to work fulltime in Audit is no longer an FTE, but is willing to assist during the end of the fiscal year and the end of the calendar year with the annual financial audit and to help generate W-2's and other tax forms.

413060 Temporary – \$100,000 (Increase of \$75,000)

Itemize and explain new positions and/or reclassifications

- a. (2) Clerk I to Clerk II – *They are file clerks and the Clerk II position more accurately represents their job duties.*
- b. (2) Clerk II to Clerk III – *Once 2 of clerks complete their training he would like them to be Clerk III's with the rest of their staff.*
- c. (1) New Clerk III Staff – *Magistrate court staff*
- d. (1) New GIS Analyst – *For Elections Office*
- e. (2) New Elections Specialist Positions – *To balance out the workload; 5 employees for the past 11 years. New election laws will increase workload tremendously.*

Jess Urresti said the Clerk III position will bring the Magistrate In-Court staff to 16. It's a position they have needed but haven't requested until now because of space issues, but the Facilities Dept., is remodeling space on the third floor which will allow for 5 additional seats in the office with space to add more in the future. As the judiciary grows in the future they will likely have to add staff. Commissioner Van Beek asked which employees are working from home and which employees are working onsite fulltime. Mr. Urresti said the District secretaries are working a hybrid work-at-home schedule but none of his staff are working from home. (District secretaries work for the Trial Court Administrator.) Commissioner Van Beek asked if additional staffing is needed to compensate for the at-home schedule. Mr. Urresti said if those employees were here fulltime he doesn't know if he would need additional staff to supplement what's going on with their hybrid schedules. He would have to see that in practice if they were here full-time, but there is a certain burden that does fall on the Magistrate In-Court Clerks and the Magistrate secretaries because the other secretaries are not in the office all the time.

Elections Supervisor Haley Hicks explained the need for the GIS analyst position; it was suggested by IT and is needed in the Elections Office due to the compliance with election deadlines, and constant changes in boundaries and tax code areas. They are seeking new Elections specialist positions to balance out the current workload with the existing staff. They have 5 fulltime employees for the past 11 years and with the growth and new election laws that have passed there are new duties that will increase the workload tremendously. Brandi Long spoke about GIS licensing fees that are estimated at \$3,000.

3. Has HR been consulted on salary recommendations? Yes, HR has been consulted and will be in line with the current salaries.

## B Budget – Expenses

1. 545502 Mileage – \$3,000 – Zero out, move to Fleet – *The Board agreed not to move this, per discussion noted below.*
2. 545506 Gasoline and oil – \$1,500 – zero out, Fleet will consume the cost *So noted, per Clerk Yamamoto.*
3. 548211 Poll Workers – Consolidated \$220,000 – Change from Workshop #1 (Done) *So noted, per Clerk Yamamoto.*
4. 554401 Building Supplies & Maintenance – \$75,000 (**Discussion:** Move to Facilities) *So noted, per Clerk Yamamoto.*
5. 554403 Repair and Maintenance Supplies – \$7,500 (**Discussion:** Move to Facilities) – *The Board agreed not to move this.*
6. What are the alternatives to purchasing more equipment 684221 Computer/networks/software valued at \$968,064? Commissioner Brooks said this goes along with the question of whether the County has evaluated the voting system used in Ada County and it's a larger discussion than we want for this budget workshop so he suggested there be a follow-up discussion about what can and cannot be done within the current system before taking this deep dive. Clerk Yamamoto agrees.
7. 554475 Election Supplies – \$40,000 up from \$15,000 (Envelopes?) They moved the K&H printing costs from the postage line item to the supplies line item for a better fit.

### **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments? Controller Wagoner said 554403 is for repair, maintenance and upkeep of Elections equipment - \$7,500. 545502 Mileage – \$3,000 - Haley Hicks said it cannot be moved to Fleet because the mileage is utilized with the persons who help on Elections Day to check the polling locations and be runners. They are not County employees or temporary employees, they are paid volunteers and so they cannot drive the Fleet vehicles. The Board would like them renamed.
2. Have the additional polling locations been secured? (51 total, one for each precinct) Staff is working to secure 11 additional locations to bring it to 1 per precinct for a total of 51. There is an August election so there will be a delay. There was discussion regarding use of schools for polling locations. The Board is very interested in utilizing schools for polling locations. Clerk Yamamoto said they have been working on it for three years and if we can get Vallivue, Nampa and Middleton schools to do in-service days (no students at school) we would be in really good shape. The Clerk and his staff will keep the Board informed on this topic.
3. Has the County evaluated the voting system used in Ada County? Please compare/contrast the systems. Clerk Yamamoto said he and Ada County Clerk Chris Rich were in agreement when they were purchasing the Hart system, and he was asked to make the move at the same time as Ada County, but he is happy he decided not to because we have a better system. Haley Hicks said Ada

County uses Hart Intercivic and instead of using Verity Duo, which is the ballot marking device, the precinct scanners can read what the voters are selecting, and they use ballot on demand paper ballots that are printed at the precinct. Ada County has noticed it does cause delays and they have to use K&H to preprint several ballots to meet the demand of the ballots required at polling locations on Election Day. They also see a backup at the precinct scanner from voters improperly marking the ballot. Ada County uses the precinct scanners, however because they use paper ballots that are marked by the voters, and Canyon County using the Duo's that pre-mark the ballots ours is a swift process that is read right there in front of the voter. A slight printing issue may be a reason to kick it back versus the number of voters that improperly mark ballots. Ada County does not have the auto ballot option that Canyon has with the controllers that are connected to our Duo's and that was a key factor for Canyon County in ensuring that proper ballots are being issued by the poll workers and minimizing that huge risk of human error and bringing the accuracy back to the Election. Further discussion ensued regarding ballot styles, equipment, and processes.

Commissioner Holton said cities didn't confer and there are new streets and new street addresses we are not aware of. Ms. Hicks said there is a communication problem, but she's hopeful the GIS analyst who specializes in the elections version of GIS will be a tremendous benefit because they can keep the streets and maps up to date. Commissioner Brooks asked if our system has the ability to count ballots at the polling location? Ms. Hicks said yes, precinct scanners tally at the precinct, however, when the scanner is brought back to the Elections Office the drive is pulled and that tally has been tabulated with all the Election results during the count. Clerk Yamamoto said they store it at the machine; it is counted when it gets back to the office and that's how they want it. He does not want anyone in Elections to know what the count is at the polling places. Brandi Long said the only thing they are able to see is how many ballots were deposited.

4. What is the amount of the annual licensing renewal for FY2024 for Hart? This year's total is \$108,956.

5. What are the qualifications for an election's specialist? – It's an entry-level position and the person must have attention to detail and be able to perform data entry work, have a high-school diploma, and pass a background check.

The Board took a brief recess from 2:16 p.m. to 2:25 p.m.

#### **Coroner's Office Budget:**

COO Rast provided the Coroner with the questions noted below and today's workshop centered on the following discussion topics:

#### **Revenues**

341620 Other misc charges and fees - \$0.00 - (Adjust to \$30,000) Coroner Crawford said revenues are not guaranteed, it consists of what other counties bring in for autopsies. It's been suggested that she increase it to \$30,000 but she's not comfortable with that because her office has never reached that amount. She suggested an amount of \$15,000.

### **A Budget – Personnel (No New Staff Requests)**

413050 Part Time – Is \$8,424 requested enough? Coroner Crawford is comfortable with the \$8,424 amount.

### **B Budget – Expenses**

545506 Gasoline and Oil - \$8,000 - Zero out (Fleet will consume this cost) Coroner Crawford has no problem with moving it to Fleet.

### **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments? No.
2. Do we contract with a forensic pathologist? No, but we contract with Ada County who has forensic pathologists.

The Board recessed from 2:30 p.m. to 3:01 p.m.

### **Sheriff's Office Budget:**

COO Rast provided the Sheriff with the questions noted below and today's workshop centered on the following discussion topics:

#### **Revenues**

1. No Questions

### **A Budget – Personnel**

Sheriff's Project Book -

(6) New Positions and Adjustments of Specialty Pay

(1) Marine Deputy

(4) Patrol Deputies

(1) Sr. Admin Specialist Booking

K-9 Pay Adjustment

On-call Pay Adjustment

Swat Pay Adjustment

(4) Position Adjustments – Done

Reclassifications of Call Takers / Dispatch Positions – Pending in HR.

Chief Hart said they have no changes. The K-9 specialty, on-call, and swat pay adjustments have already been addressed to be effective the start of the fiscal year and so the only pending decisions for the Board would be the marine deputy, 4 patrol deputies, and the senior admin. specialist. They have one resolution for a slight adjustment in driver's license to recognize the supervisory duties that are being carried out by some personnel there.

## **B Budget – Expenses**

### **Move to Fleet (Discussion)**

545502 Mileage – \$200

545506 Gasoline and Oil – \$400,000

684320 Police Vehicles – \$796,000

Chief Hart asked how the Board envisions these moves will take place in terms of the CCSO see accountability, for instance, police vehicles \$796,000. Commissioner Holton said it will appear as a line item for the Sheriff's Office under the Fleet budget.

### **Move to Facilities (Discussion)**

554403 Repair and Maintenance Supplies – \$2,000 - Chief Hart has no problem with it being moved.

554410 Janitorial Supplies – \$70,500 – Chief Hart wants this to stay with Sheriff's Office.

554450 Chemical Supplies – \$3,000 - Chief Hart wants this to stay with Sheriff's Office

680410 Machinery – \$19,000 – This line item won't exist any longer as the items were funded from F2023 monies.

682270 Capital Construction Contracts - \$40,000 - No issues moving to Facilities, but the vendor identified meets all industry standards so CCSO does not want a "homegrown" solution.

684110 Machinery – \$108,000 – This was the scanner purchase that they were hoping to get a reimbursement grant for, but they have since learned that the grant will no longer be funded so they are removing the request from the budget. They have access to a scanner through law enforcement partnerships should they need it.

684370 Kitchen Equipment – \$350,000 - This is the project to relocate the laundry facilities and Chief Hart has no objection moving it to Facilities.

## **General Questions**

1. Any other suggested changes to the FY2024 budget in regards to revenue or expense adjustments?

2. Go through project book adjustments? (60+ Projects)

a. FY2024 procured projects through FY2023 unspent forecasted expenses

Chief Hart presented the Board with documentation as part of his review of the Sheriff's Office project book. He reviewed the changes and reductions to CCSO budget which are delineated in the spreadsheet titled *Project Funding Potential from FY23 Funds*. Other supporting documentation is on file with this day's minute entry. The Chief estimates they were able to reduce their FY2024 "B" Budget request by \$365,000 by using FY2023 monies.

What they are seeking in terms of projects for FY2024:

Project No. 1 - Patrol proposal

Project No. 40 - Computers and monitors

Project No. 46 - Simulation firearm system  
Project No. 15 - Fuming chamber

Chief Hart informed the Board of a project that came up this week where they can make their initial payment out of FY2023 monies. Frequently in investigations they seize cell phones and oftentimes they are locked and there are very few, very specific solutions to unlock and exploit a cell phone. Cellebrite is the leader in digital intelligence and investigative analytics. Through a partnership with the Prosecutor's Office, Caldwell Police Dept, Nampa Police Dept and the Sheriff's Office - all of these entities are paying for the same service and not getting the highest level of service because there are different levels of capabilities with this software and so Project No. 62 is a proposal for the shared purchase of a Cellebrite Digital Forensic package that would give all four agencies much greater capabilities, unlimited numbers of unlocks. The proposal is to create a digital forensics task force between those four agencies and share the cost of buying the best software and create a database of the phones they can crosscheck. The annual cost is \$21,900, with a onetime upfront cost of \$4,750 to buy a shared server to archive the digital information. (Additional documentation is attached to this day's minute entry.) The total quote is \$117,585, and \$19,000 is for a server to house the digital information. An MOU is being reviewed by the PA's Office. The Board had follow-up questions, and Sheriff Donahue spoke of the importance of this product and how it will benefit law enforcement.

Chief Hart informed the Board about Project No. 33 which they had slated for FY2025 - it's a software upgrade in the Sheriff's Records Dept., and they are looking at two potential software upgrades. Their current process is labor intensive and slow so they are looking at a software solution from Tyler Technologies. The growing demand based on the number of garnishments the County has to process has increased almost 300%. They've added 2 positions to records but in the last year they've still paid \$57k in overtime to employees because of the volume of work. Through current means they are only able to process 10 garnishments a day. Ada County is using Tyler Technologies software and they can process five per hour. CCSO has a 2-week backlog of garnishments at any given time, but there is a 7-month backlog in other duties such as digitizing, scanning, and other responsibilities because of all the work that's going into garnishments. The software package is \$208,000, with a \$24,000 annual maintenance fee.

There was discussion about the Spillman system. The Sheriff's Office is not satisfied with the performance of the system, but Sheriff Donahue said it's cost prohibitive to leave Spillman. He is not asking for a decision on the software purchase today, but it has been scheduled for FY2025. If there's a way to find a path forward sooner it would behoove us to do so because we are paying \$50,000 a year in OT, which is \$20,000 more than the annual payment would be. Captain Talbot spoke to Ada County about the Tyler Technologies software, and they are pleased with the system. The civil module will integrate with the Odyssey program so they can get things from the Idaho Courts electronically. COO Rast said the Spillman software is bad, and they have been saying they were going to rewrite the module year after year. He said the software really needs to be replaced and asked if we should put the money in the budget as a placeholder and do an investigation? Sheriff Donahue said that's an option; the sooner the better, but there are constraints. We are not at a critical stage yet, but it's a conversation we can have. Commissioner Van Beek is in favor

of a placeholder. She appreciates the Sheriff and Chief Hart and the command staff for bringing a new level of detail and presentation to the Board in their budgeting process. Commissioner Holton said we are committed to getting this fixed for the taxpayer and he wants the Sheriff to put both items initially in the total budget, at least for the next 2 weeks, and see how it will shake out at the end rather than having a discussion and not including it in a proposed budget. As we get down to the end we can see whether we can make it work or fund a portion or whatever that is. Commissioner Brooks agrees. He asked if the Tyler Technologies package would replace Spillman if the Sheriff wanted it to? No, this is just the civil process piece of it. Chief Hart said he will communicate with the Clerk and Controller in terms of funding.

The meeting concluded at 4:11 p.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER AN ENTERTAINMENT CONTRACT WITH ZOLIO NAVARRETE AND LOS REBELDES DE DURANGO FOR THE CANYON COUNTY FAIR

The Board met today at 2:31 p.m. to consider an entertainment contract with Zolio Navarrete and Los Rebeldes De Durango for the Canyon County Fair. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, and Deputy Clerk Monica Reeves. Commissioner Brooks read into the record comments from Fair Director Diana Sinner who said this is the last entertainment agreement for the Fair and is opening act for the Latino concert and is the same form agreement we utilize for other entertainment. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to sign the entertainment contract as presented. (Agreement No. 23-080.) The meeting concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2023 TERM  
CALDWELL, IDAHO JULY 20, 2023

No meetings were held this day.

JULY 2023 TERM  
CALDWELL, IDAHO JULY 21, 2023

No meetings were held this day.

#### APPROVED CLAIMS

- The Board has approved claims 596483 to 596523 in the amount of \$1,257,745.45
- The Board has approved claims 596524 to 596564 in the amount of \$218,391.89

- The Board has approved claims 596565 to 596608 in the amount of \$21,163.51
- The Board has approved claims 596609 to 596627 in the amount of \$21,297.78
- The Board has approved claims 596628 to 596665 in the amount of \$67,619.77
- The Board has approved claims 596666 to 596710 in the amount of \$178,577.80
- The Board has approved claims 596711 to 596759 in the amount of \$59,366.67
- The Board has approved claims 596760 to 596783 in the amount of \$13,302.50
- The Board has approved claims 596784 to 596848 in the amount of \$91,266.20
- The Board has approved claims 596849 to 596878 in the amount of \$34,220.34
- The Board has approved claims 596879 to 596926 in the amount of \$188,735.33
- The Board has approved claim 596949 in the amount of \$979.75

#### JULY 2023 TERM

CALDWELL, IDAHO JULY 24, 2023

No meetings were held this day.

#### JULY 2023 TERM

CALDWELL, IDAHO JULY 25, 2023

#### APPROVED CLAIMS

- The Board has approved claims 596927 to 596954 in the amount of \$399,084.90

#### APPROVED PAYROLL JULY 28, 2023

- The Board approved the July 28, 2023 payroll in the amount of \$2,378,397.32

#### APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Eastside Tavern to be used 8/12/23; Capitol Bar to be used on 7/30/23; County Wine Line to be used on 8/12/23; Paleteria Y Neveria Mi Linda Michoacana to be used on 8/5/23.

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jamie Siewert, Election Temp.; Bonnie Wood, Election Temp.; Samantha Hammond, Planner II; Trina Harrell, Election Temp.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- RBA Architects in the amount of \$2200 for the Facilities department (PO #5659)
- Duramont LLC in the amount of \$3220 for the Sheriff's Office (PO #5692)
- Wild West Marketing in the amount of \$12,599.50 for the Sheriff's Office (PO #5691)
- Salt Lake Wholesale in the amount of \$2342.35 for the Sheriff's Office (PO #5690)
- Volatus Drones in the amount of \$3358.00 for the Sheriff's Office (PO #5689)
- Hurricane Butterfly Law Enforcement in the amount of \$1385.00 for the Sheriff's Office (PO #5707)
- Hurricane Butterfly Law Enforcement in the amount of \$3539.00 for the Sheriff's Office (PO #5706)
- Curtis Blue Line in the amount of \$4251.00 for the Sheriff's Office (PO #5705)

#### MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:03 a.m. to consider agenda items. Present were: Commissioners Leslie Van Beek and Brad Holton, Deputy P.A. Oscar Klaas, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Ray and Jennifer Jensen (left at 9:19 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Consider request for cancellation of taxes for Ray and Jennifer Jensen:*** Treasurer Lloyd explained that the Jensen's are in jeopardy of their property being taken for tax deed on Thursday, July 27<sup>th</sup>. She has spoken with the Assessor's Office and based on the financial information provided by the Jensen's their income is too great and they would not have qualified for PTR or deferral. Currently the Jensen's are 4 years behind on taxes and Treasurer Lloyd spoke about the efforts they make to work with people to avoid a property being taken for tax deed. The Jensen's spoke about their limited income and how the home was inherited from a deceased relative but unbeknownst to them the taxes were not being paid; they have been working for several years to get caught up. In order to avoid the property being taken for tax deed the 2019 taxes would have to be paid; the total due is \$2490.08. The Jensen's have indicated that they have \$1800 saved they could pay today; however, they are still short the remaining amount. Commissioner Van Beek made a motion to accept the request for cancellation and take that under consideration given legal counsel and the feedback from Treasurer Lloyd for Ray and Jennifer Jensen given the application. The motion was amended to include a 60-day timeframe. The motion was seconded by Commissioner Holton and carried unanimously.

***Consider Treasurer's Tax Charge Adjustments by PIN:*** Total to be adjusted is \$3352.82 which are just administrative adjustments that are filed every month. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for June 1-30, 2023.

The meeting concluded at 9:22 a.m. and an audio recording is on file in the Commissioners' Office.

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

The Board met today 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 Brad Holton, Chief Deputy P.A. Carl Ericson (left at 9:59 a.m.), Deputy P.A. Zach Wesley (left at 9:59 a.m.), Deputy P.A. Oscar Klaas (left at 9:59 a.m.), Cpt. Harold Patchett (left at 9:42 a.m.), Cpt. Ray Talbot (left at 9:42 a.m.), Lt. Travis Engle (left at 9:42 a.m.), Director of Juvenile Detention (left at 9:42 a.m.), Controller Zach Wagoner (left at 9:36 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider administrative services agreement between GemPlan and Blue Cross of Idaho Health Services, Inc.:*** Mr. Wesley explained how GemPlan operates with Blue Cross and the need for the amendment; there is no real impact to the day-to-day or financials. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the administrative services agreement between Gem Plan and Blue Cross of Idaho Health Services, Inc. (see agreement no. 23-081).

***Consider a resolution authorizing the destruction of certain Canyon County Sheriff's Office records:*** This resolution will allow for the destruction of records regarding background checks on gun purchases. Recently there was a bill passed making it unlawful for law enforcement to maintain lists of purchases of firearms and specifying what those firearms are. Under Federal law, the Sheriff's Office has a responsibility to receive reports of gun sales which are reviewed but federal law requires that those reports are destroyed within 20 days. Background checks are kept electronically. Cpt. Talbot said there is really no impact to the Sheriff's Office. These are only for certain classifications of firearms and it's really just a secondary check to help ATF make sure they are keeping firearms out of the hands of people who are not qualified to legally possess them. Records found for someone not legally able to possess a firearm will be kept and a criminal case would be pursued. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution authorizing the destruction of certain Canyon County Sheriff's Office records (see resolution no. 23-187).

***Consider request for proposals and legal notice for Canyon County Jail & SWIJD Food and Commissary Services:***

This is a joint request between CCSO and SWIJD for food services; for the jail portion there is also a request for commissary services. This is just to update the contract on the jail services to ensure the county is receiving the most cost-effective services. Currently in the jail food service and commissary are provided by Summit but they would like to have the two services separated out. Director Brown said that every 3 years the juvenile detention center has to go out to bid for food services due to the school lunch program so the timing of this RFP works well for them. Commissioner Van Beek made a motion to sign the request for proposals for the Canyon County Jail & SWIJD Food and Commissary Services. The motion was seconded by Commissioner Holton and carried unanimously. Commissioner Van Beek also made a motion to sign the legal notice for Canyon County Jail & SWIJD Food and Commissary Services. The motion was seconded by Commissioner Holton 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 9:44 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 roll call vote was taken on the motion by Deputy Clerk Jenen Ross 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. Oscar Klaas and COO Greg Rast. The Executive Session concluded at 9:59 a.m. with no decision being called for in open session.

At the conclusion of the executive session the following action items were taken up:

***Consider resolution granting a transfer alcoholic beverage license to The Bank Bar:*** Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution granting a transfer alcoholic beverage license to the Bank Bar (see resolution no. 23-186).

***Consider resolution granting a new alcoholic beverage license to Taqueria Mexico Chiquito:*** Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Taqueria Mexico Chiquito (see resolution no. 23-185).

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

CONSIDER FINAL PLAT FOR OSPREY ESTATES SUBDIVISION NO. 1, CASE NO. SD2020-0040

The Board met today at 10:33 a.m. to consider the final plat for Osprey Estates Subdivision No. 1, case no. SD2020-0040. Present were: Commissioners Leslie Van Beek and Brad Holton, Engineering Coordinator Stephanie Hailey, Engineer Devin Krasowski, Representatives for Osprey Estates Subdivision No. 1 and Deputy Clerk Jenen Ross. Ms. Hailey said the preliminary plat was approved by the Board on August 4, 2020 and subject to 11 conditions of approval. It is zoned CR-R1 single family residential with average residential lot size of .53 acres it has 67 residential lots, 11 common lots, internal public roads, pressurized irrigation, private community waste water system and City of Nampa water. County engineering reviewed and approved the final plat construction drawing, participated in a post construction site visit and compiled evidence for condition compliance. The county surveyor reviewed and signed the final plat. The final plat is in compliance with Canyon County zoning ordinance 7-17-13 and staff recommends that Board of County Commissioners sign the final plat for Osprey Estates No. 1. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign

the final plat for Osprey Estates Subdivision No. 1, Case no. SD2020-0040. The meeting concluded at 10:35 a.m. and an audio recording is on file in the Commissioners' Office.

#### CONTINUANCE OF FY2024 BUDGET WORKSHOP FOR FACILITIES AND WEED & PEST DEPARTMENTS

The Board met today at 11:00 a.m. for a continuance of the FY2024 budget workshop for the Facilities and Weed & Pest departments. Present were: Commissioners Leslie Van Beek, Zach Brooks and Brad Holton, Clerk Chris Yamamoto, Controller Zach Wagoner, Auditing Supervisor Sarah Winslow, Facilities Director Rick Britton, COO Greg Rast and Deputy Clerk Jenen Ross. The items discussed were as follows:

##### Facilities budget:

**Grounds maintenance supplies:** \$60,000, increased \$5,000 from last year and anticipates that to continue growing as the county properties continue to grow.

**Software renewals:** will be moved to service contracts

**Trucks and pick-ups:** two vehicles this year will be transferred to Fleet

**Heavy equipment:** \$8,000 for a new liftgate for a new vehicle and will be transferred to the Fleet budget

**Courts:** one last courtroom to be finished, will be in courts budget

- No projects are planned at the landfill this year
- \$25,000 needs to be added for sealcoating for 3-4 parking lots
- The Board would like a list of consolidated projects that have been moved to the Facilities budget
- For larger projects: A&E costs are in facilities budget, construction costs are not yet included in budget as the actual costs are still unknown. Estimated construction costs for the warehouse and animal shelter is \$4.5M.

##### Weed and Pest budget:

**Gas and oil:** fuel will be purchased thru Canyon Highway District due to convenience and cost is comparable; billing for fuel will be run thru the Fleet department

**Trucks:** one truck which will be transferred to Fleet

**Repair and maint.:** \$5000 will remain in Weed and Pest

**Education and training:** \$400, there is no cost to the county to renew licenses

**Computer:** IT recommendation; would also like to add laptops to each vehicle and the cost for installation hardware will go thru Fleet

**Auto repair and supplies:** general upkeep of vehicles; this will be moved to Fleet

Controller Wagoner spoke about how, in regard to property taxes, Weed and Pest are entirely different. If Pest expenses are moved to Fleet, all county property taxpayers will be asked to pay specific expenses that are pest control related and that is a separate taxing district from Canyon County. Not all county residents pay pest property tax. Consensus from the Board is to have the Pest budget remain as it is and Fleet can charge back to the that budget.

The meeting concluded at 11:31 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - THE APPLICANT, BORTON-LAKEY LAW REPRESENTING EW REAL ESTATE, LLC, IS APPEALING THE P&Z COMMISSION'S DECISION REGARDING THE DENIAL OF CASE CU2022-0034, A CONDITIONAL USE PERMIT (CASE NO. CU2022-0034-APL)

The Board met today at 1:35 p.m. to conduct a public hearing for Case No. CU2022-0034-APL, where the applicant, Borton-Lakey Law representing EW Real Estate, LLC, is appealing the Planning & Zoning Commission's decision regarding the denial of Case CU2022-0034, a conditional use permit to allow an Agritourism Oriented Special Events Facility use within an "A" (Agricultural) Zoning District. The use includes an outdoor amphitheater with a seating capacity of up to 5,000 guests for concerts, events such as weddings, cidery, u-pick orchards, and other agritourism-supported activities. The subject property is located just southeast of 13748 Sunny Slope Rd, Caldwell on Parcel R335630106. Present were: Commissioners Brad Holton and Zach Brooks, Commissioner Van Beek (recused herself from the hearing), Deputy PA Zach Wesley, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, DSD Office Manager Jennifer Almeida, County Engineer Devin Krasowski, DSD Planner III Michelle Barron, DSD Planner II Samantha Hammond, IN FAVOR: Bill LeClerc, Todd Lakey, Deborah Nelson, Scott Gipson, Tara Evans, Jolyn Thompson, Dar Symms, Jacob Cragin, James Mertz, Jim Mertz, John Starr, Mary Symms, Liz Dodson, Rheanna Allen, Moya Dobby, Brenna Smith, Eva Symms, Bill Hirschmann, Sydney Weitz-Nederend, Drew Allen, James Nederend, NEUTRAL: Rob Sturgill, Gregg Alger, Hai Longworth, and Herbert Longworth, IN OPPOSITION: Leanne Ferguson, Mandi Williams, Susan Park, Patricia Anne Lodge, Sonnie House, Steven Bair, Mike Gable, J. Warfel, Daniel Bair, Tara Bailey, Gloria Watson, Jennie Jimmerson, John Ottenhoff, Beverly Ross, Scott Jimmerson, Everett Hamlin, Linda Ross, Sue Stark, Dennis Colbert, Colleen Schaub, Bernard Stalp, Stephanie Bair, Jeff Hibbard, Penny Allmer, John Hoadley, Eldon Betz, Irma Noe, Barbara Parshley, Kaye Devenport, Sharon Frost, James Bauer, John Kernkamp, Madeleine Hall, Lynette Enrico, Margie Robinson, Anne Delgado, Judy Hanson, Amy Bitner, Kim Johnson, Emerson Miller, Gerri Smith, Mary Confer, Paul Panther, Cynthia Burnham, Fred Confer, Danny Trevett, Mark Wendelsdorf, Nancy Tiffany, Julie Rundall, Hipolito Delgado, Tara Bailey, Kris Pyele, Ann Ledford, Marianne Reczek-Phoebus, Joanne Bradford, Marlene Moore, Michael Devenport, Wayne Rundall, Craig Davis, Elisha Brooks, Becky Hartmann, Margarita Romero, John Romero, Larry Craig, Paul Trout, Mark Naillon, Diane Eldredge, Ashley Collins, Sandra McCrillis, Annette Stalp, JoDee Arnold, Lea Matthews, Geoff Matthews, Alan Mowry, Dave House, Marjorie Ford, Charles Ford, Vivian Ferkin, Tina Clapier, Bodie Clapier, Cynthia Betz, Donna Schultz, Willow Yadon, Roger Yadon, Dana Hibbard, Robert McCrillis, Judi Hostetter, James Insley, Terry McClellin, Jim Streicher, Mary Adams, Darryl Ford, Jamie Meade, Paunee Uberuaga, Rita Miller, Jennifer Crumm, Phil Uberuaga, Brian Burnham, Laura Jean Rispens, David

Delihant, Gregg Dunlap, Kris Crookham, Judy Leathers, Tamera Frans, William Albert, Angie Dunlap, MJ Stuart, other interested citizens, and Deputy Clerk Monica Reeves.

Commissioner Van Beek disclosed that on June 6, 2022, she received an invitation from John Starr and Symms Fruit Ranch to participate in a meeting, but she did not know when she accepted the invitation that this case would be presented to the Board. She and her husband are agriculturists and have deep ties to the agricultural community and families in the Sunnyslope area, and she sat through a presentation where there was a significant amount of discussion on this project. Her fellow Commissioners did not have the benefit of that and so to protect the integrity of the process, abide by her oath of office, and be fair and impartial she will recuse herself from the decision so that Commissioners Holton and Brooks can hear it for the first time. Commissioners Holton and Brooks said they have no conflicts of interest, nor do they have disclosures regarding site reviews or conversations outside of the hearing.

DSD Planner III Michelle Barron gave the oral staff report. The applicant's proposal includes as an outdoor amphitheater with seating capacity of up to 5,000 guests for concerts; events such as weddings; a cidery; U-pick orchards; permanent concession facilities with farm to fork foods; a wine-tasting pavilion; event garden; permanent restroom facilities; and a production office. The subject property is located on Parcel R33563010; the land division that created this parcel did not occur in accordance with the Canyon County Zoning Ordinance, therefore, the applicant will need to complete an after-the-fact administrative land division with a property boundary adjustment which has been added as a condition of approval. Ms. Barron reviewed the updated site plan. The location of the access on the east corner of the property was moved to comply with the comments from Canyon Highway District No. 4. There was a review of the site photos. The application was submitted under the 2020 comprehensive plan. The proposed use aligns with 8 goals and 16 policies in the comprehensive; the proposed use does not align with 2 goals and 4 policies. It does generally conform with the 2020 comprehensive plan.

There was a review of the site characteristics and surrounding uses, and there was a review of agency comments from Canyon Highway District No. 4 (Exhibit 2, Attachment 8a), Boise Project Board of Control (Exhibit 2, Attachment 8b), Canyon Soil Conservation District (Exhibit 2, Attachment 8c), Idaho Transportation Department (Exhibit 2, Attachment 8d), Santa Clara County Code Enforcement (Exhibit 2, Attachment 8e), and Santa Clara County Department of Environmental Health (Exhibit 2, Attachment 8f), Idaho Transportation Department (Exhibit 9, Attachment 1), Canyon Highway District No. 4 (Exhibit 9, Attachment 2), Canyon County Sheriff (Exhibit 9, Attachment 3), Marsing Rural Fire (Exhibit 9, Attachment 4), Marsing Ambulance District (Exhibit 9, Attachment 5), Canyon County Ambulance District (Exhibit 9, Attachment 6), Caldwell's Economic Development Director (Exhibit 9, Attachment 7), Destination Caldwell (Exhibit 9, Attachment 8), and the Idaho Department of Environmental Quality (DEQ) (Exhibit 9, Att. 9). There was a review of the soils information. The site is in a nitrate priority area.

The applicant is proposing a centralized water system located on an adjacent parcel and installation of an engineered wastewater treatment facility on a different adjacent parcel. The

parcel is not located near city services. Conditions imposed by staff require a potable water supply and wastewater disposal to be provided by systems approved by DEQ and Southwest District Health, and for approvals to be provided to the County before the uses commence. The County Engineer spoke with Dab Smith at DEQ who provided additional information regarding the DEQ approval process for water and wastewater. They will require the system to go through proper approvals demonstrating adequacy of the system for the new use. Adequate subsurface wastewater disposal will likely need to be a large soil absorption system. Site specific conditions and details will have to be considered by DEQ as the system is planned and designed. Access is proposed on Lowell Road and Highway 55. An updated traffic impact study was conducted to address additional information needed by ITD and CHD, and both agencies provided traffic mitigations for the proposed use. With the number of days/events planned, impact of direct traffic does not meet any of the criteria for requiring mitigation except: Lowell Rd and SH-55 (Sunnyslope Road), westbound right-turn lane on Lowell Road, Access B and SH-55, stop controlled T-intersection, Northbound right-turn lane, Access C and SH-55, stop controlled T-intersection, annual traffic control plans including temporary barricades restricting all traffic movement to west bound only from Access A (Lowell Rd), dynamic message signs posted a minimum of 72 hours in advance of events 1 mile south of Lowell Rd., and one mile east of Chicken Dinner Road, and additional notifications to residents in 5 mile radius. A meeting was conducted with Development Services staff and the applicant with providers of emergency services agencies after the appeal was filed. Following this meeting, comments from four agencies were received. Exhibit 9, Attachments 3, 4, 5 and 6. Comments from the public were received where the topics primarily involved economic impact of proposed agritourism and supportive nature of project for wineries, compatibility with existing uses, traffic, emergency services response, noise, and preservation of land for agricultural production.

Testimony in support of the appeal was as follows:

**Bill LeClerc**, who lives in Los Gatos, California, testified they have a family-run business that has developed, constructed, and operated what is recognized on a national level as a top 10 outdoor concert venue and throughout their 25 years, they have been excellent members of the community. They have roots in this area and one of their partners is a fourth-generation Idahoan, and they are excited about the opportunity to integrate with the Sunnyslope area to deliver a world-class experience that will benefit the entire region. They have worked extensively with the agencies and staff, and they agree with the conditions of approval. They have engaged with community members who have a significant vested interest in continuing agriculture in the region and who support their project.

**Deborah Nelson** is a land use attorney who represents the applicant and said they agree with the draft findings and conditions contained in the staff report. The special event facility use is conditionally allowed in this agricultural zone, so the question is what conditions are appropriate to place on the use in this location to mitigate impacts on surrounding properties and services. The P&Z Commission issued supportive findings for much of the project but found additional information was needed regarding traffic, EMS, and sound and lighting, to ensure compatibility. They now have additional information and specific conditions to mitigate potential impacts. ITD

has provided comments on the traffic impact study (TIS) and identified the specific mitigations. Canyon Highway District No. 4 (CHD4) has commented they agree with ITD's recommended mitigations. ITD approved the scope and the conclusions in the traffic study which found that Highway 55 has sufficient capacity for this use. ITD has plans to expand this section of Highway 55 in the future, but even as a two-lane highway it has a capacity of 3,200 vehicles per hour. Peak volumes from Hwy 55 and this project plus all existing and background trips is 1,850 vehicles per hour. Traffic impacts from Sunnyslope Ranch will occur only in a limited season April through October and at limited times around events. The applicant will use event staff to control the inflow and outflow of cars and it will be efficiently managed using temporary traffic constraints required by ITD and CHD4 to keep event patrons off local roads. The applicant will staff events with certified EMT's onsite to address immediate medical emergencies and will implement fire protection measures. The Marsing Rural Fire District's comments state that service is available to provide the site with adequate fire and emergency service response times. The Canyon County Sheriff's letter focused on traffic impacts on Hwy 55, Chicken Dinner Road, and Lowell Road, but the approved TIS has confirmed that Hwy 55 can handle that expected vehicle volume even at the peaks. The applicant will follow the conditions of ITD and CHD4 to use those temporary barricades to protect Chicken Dinner and Lowell Roads. The Canyon County Ambulance District proposed conditions that staff has incorporated including to provide advanced notice to the district of all events to have a minimum of two certified EMT's on site, and to designate the nearest helicopter landing zone with the district chief. Sunnyslope Ranch would generate significant tax revenue to help fund services. Based on preliminary sound testing, other venue operations and P&Z Commissioner Nevill's request at the prior hearing, the applicant has proposed, and staff has incorporated a condition of approval that sound levels will be limited to 85 decibels measured at the property line. The applicant will continue to study and work with the sound engineer when the project is designed to ensure appropriate orientation, buffers, and sound barriers to meet this condition and protect the neighbors. The P&Z Commission found that Sunnyslope Ranch is consistent with the comprehensive plan. It supports policies that encourage tourism expansion and development, a diverse business sector, and agricultural and nonagricultural uses in the same area. It will support existing agricultural uses and businesses in the area by providing a venue for retail sales of ag products and by attracting visitors to an area who will spend money at area restaurants, wineries, and stores. It will direct tax benefits to the County and help increase the property values of local wineries and businesses growing the property sales tax base for the community.

**Todd Lakey** is a land use attorney who supports the applicant and his testimony emphasized items related to fiscal benefit and the economic development benefits from the project. This is marginal farm ground and it was part of the reason the Symms selected this site. They also selected this site because of its acoustic benefits and the buffering that's provided based on its location. They are taking a low contributing piece of ground and turning it into a substantial economic contributor to local government entities in the form of tax revenue and a substantial economic contributor to local business and with that comes increased tax revenue from those businesses and it also adds to the businesses' benefit. The current assessed value for the property based on the Assessor's valuation is \$370,000 and when multiplied by the levy rate it comes out to \$1,867 in tax revenue for Canyon County entities. The estimated value of the facility at buildout is \$25M which would generate \$126,1650 in tax revenue, nearly 70 times the tax revenue currently generated by this

property. Add to that the gross sales tax and that goes into the local government revenue sharing formula. The proposal will provide more revenue to agritourism businesses such as the local wineries, the AgVenture tour, and fruit stands and there will be additional revenue for local businesses.

**Scott Gipson** testified the Cities of Caldwell and Nampa are seeing a resurgence in their urban environments with new retail, restaurants and entertainment opportunities that have come to these communities and is tied to the growing reputation and expanding customer base of the many wineries in the Sunnyslope region. The work done in Caldwell to develop Indian Creek Plaza included a new vision for the downtown that celebrates and enhances the agricultural heritage of the region. Farm to fork dining, targeted agritourism efforts, and renewed optimism in the community have been the result. This project will further enhance the community efforts and make this region a destination that is unrivaled in Idaho. The Symms have been the primary caretakers of this region and one of the main reasons the wine region exists in the Sunnyslope region at all.

**Jolynn Thompson** is a resident of Marsing and she testified about the strength this venue could bring in for new commercial and industrial for jobs and businesses.

**Dar Symms** testified that Symms Fruit Ranch will provide potable water. They put a new irrigation line that is attached to a 500,000-gallon pond to go across the property and irrigates the subject property and part of the Symms Fruit Ranch property. The wastewater system has not been put in yet, but they plan to install it on part of their property on the other side of the highway. They have discussed it with engineers and talked about a processing facility with an overflow drain field, but it will mainly be a processing facility to turn the water back into irrigation quality water that will be pumped to the 500,000-gallon pond for irrigation. It will have 50 lbs. of pressure on the subject property, and the potable water system is fed by a 300-gallon per minute well that has a 40,000-gallon tank that will provide 80 lbs. of pressure to the facility. Symms will provide the pipes and will meter the water to the subject property. They have a purchase price for the property and there is an additional \$1 million to build the treatment site.

**Jacob Cragin** is a grower at Sawtooth and Skyline Vineyards, the largest vineyard in the state of Idaho and they sell to most of the wineries in southwest Idaho, and they are in support of this project and see it as a net benefit for primarily wineries and agritourism.

**James Mertz**, who is part of Symms Fruit Ranch, offered testimony about the U-pick orchard that will be next to this facility where they will have apples, peaches, and berries. Symms Fruit Ranch has been here for 100 years and this is a way to capture some attention in the valley with the sale of fruit.

**John Starr** is a real estate consultant for the Symms Family, and he said they have been having discussions for many years about how to move into the future. The Sunnyslope proper consists of 3,000 acres with 780 individual parcels, and over 70% of those parcels are five acres and smaller. Their goal is to maintain the essential character as a commercial agricultural area and they feel

the venue and other developments that promote agritourism are the way to achieve the continuation of the commercial agricultural activity, not by going with more residential uses. The Canyon County population today is four times what it was in 1970 so stopping residential growth is one of the ongoing goals of agritourism. They didn't realize in the 1970s with the creation of the Ste. Chappelle Winery that they were creating agritourism and continuing with that tourism activity is the best way to continue agricultural activities. The essential character of the area seems like it's moving away from agriculture, and the Symms want to focus on bringing it back to and anchoring it in agriculture with this use.

**Elizabeth "Liz" Dodson** testified she is the "E" in EW Real Estate from Los Gatos, California. She is a fourth generation Idahoan who attended Kuna high school and Boise State. She is part of a family-owned business that hopes to bring to the area a venue that is not like what many people perceive as a "concert-centric" venue but rather more of a boutique. At their California venue people come early to have dinner where local up-and-coming artists entertain before the main act comes on. They try to support the music industry and the community people in the area. The venue gives them the opportunity to also do a lot of philanthropic events to support the local community.

**Bill Hirschman** testified that he is the "W" in EW Real Estate, and he believes staff has done an excellent job in looking at everybody's interests and summarizing the facts. At the time of the P&Z Commission hearing they did not have a traffic impact study that was 100% complete, but they do have more information now. He has spent 25 years dealing with their current venue in California. He is available to answer questions about the venue operations.

**Mary Symms Pollot** grew up in Sunnyslope and is a transportation expert who drives large motor coaches and buses for a living. She wants to teach people where their food comes from, and she has been working on launching a business called *Amazingly Made*. She said the proposal lends to what is needed because people don't understand where their food comes from or what goes into the process, and if they can create a great experience in Sunnyslope where everybody gets to be a part of it and that we need to stop paving over farmland with houses. Regarding traffic conditions between I-84 and Sunnyslope, Ms. Symms Pollot said the biggest change is the corridor where they have added all the houses between I-84 and the turn to Sunnyslope; that area is awful and unsafe, and the road should have been expanded when they made the turn lanes. She emphasized the importance of planning.

**Rheanna Allen**, who is a marketing expert, gave testimony regarding the agritourism industry and what this will do for the community and the benefits it will bring. The applicants came to her agency for help in communicating and sharing information with the community. She believes the proposal will transform the Sunnyslope AVA in a positive way. This is smart growth, and it will be a beautiful venue.

**James Nederend** represents Koenig Vineyards and Scoria Vineyards and he testified that he and his wife come from families who have farmed for hundreds of years, and they want that heritage to continue in Sunnyslope which is why they are in favor of this project. Sunnyslope is not known

for seed crops, the rare specialty crops that make the Canyon County farming industry unique are grown in Wilder, Huston, Greenleaf, and Caldwell on flat gravity irrigated fields. Orchards and vineyards are farmed in far greater abundance in surrounding states, much more profitably than in Sunnyslope. He said it is no longer sustainable for local farms to sell fruit at wholesale prices while competing with Washington, Oregon, and California. The biggest threat to the farmland in Canyon County is not a concert venue on a 40-acre orchard in Sunnyslope on a highway, it's housing. Farmers in Sunnyslope are left with three choices: continue to farm at a loss until generations of equity is lost; sell their land for houses while they can still make a profit; or move into agritourism and sell directly to consumers. This is a reality of how hard it is to farm the rocky hills and volcanic soils. The views of the farms, orchards and vineyards that create the quiet serenity that people enjoy are impossible to create and maintain as they stand today. Agritourism is how they will keep the land being developed for houses, and it's how we keep the essential character of the area.

Neutral testimony:

**Gregg Alger** testified that he and his family farm on Chicken Dinner Road and they also make wine, and they are one of the largest wineries in Idaho. He is in a neutral position because this concept is exactly what they looked to do when they started with Roger Brooks in 2013 and the concept developed as an agritourism-related concept. It was identified that the number one asset in this community is agriculture and that if we leverage agriculture to bring tourism to agriculture we can ultimately build an unbelievable experience for tourism and guests. The other thing identified in the plan was to do everything we can to preserve the ag ground. There are 120 different crops grown in this community: fruit, seed crops, vegetables and those crops are paramount for the continuation of the GNP for our county. Mr. Alger said the concept is beautiful, but it needs to be placed near community services or within city limits that can support this kind of a project. Agritourism is about taking farms, crops grown on those farms, and building value and integrating a brand that can be sold retail and it's the job of the Board of Commissioners to decipher the meaning of agritourism.

**Hai Longworth** lives near the proposed site and her testimony centered on the concern about the negative impacts the proposal will have on birds and the Deer Flat National Wildlife Refuge. She said a complete study should be done on how the facility could impact wildlife within a 5-mile radius with the results being sent to the Idaho Department of Fish and Game, and the U.S. Fish and Wildlife Service to determine the need to mitigate any adverse impacts. She also spoke about how exterior lighting should be reviewed by an expert to see where it would affect migrating birds.

Testimony in opposition was as follows:

**Leanne Ferguson** lives within two miles of the proposed venue, and she is concerned about the impact the traffic and sound generated by the venue would have on her horses. Horses have a keen sense of hearing and loud noises spook them and cause them to run – through fences and into traffic. She has personal experience with the tragic results of when a horse was spooked by

a loud noise and ran into traffic and was killed. She is very concerned about the level of noise generated from the concert venue.

**Tara Bailey** offered testimony on behalf of a planning group of 50 people, and she thanked the Symms and other historical families of farmers and ranchers for putting their life's work into the beautiful peaceful area they get to experience. Ms. Bailey has 20 years of experience in strategic operations planning and production, explosive and occupational safety and workforce management, while serving active duty in the Air Force. As a safety professional she has evaluated and developed hundreds of site plans and many environmental impact assessments and collaborated on design and construction criteria for large-scale projects. Some of those in the planning group are/represent farmers, ranchers, winery owners and workers, nurses, builders, beekeepers, law enforcement, students, and truckers, to name a few. They do not have professional developers or economic consultants within the group, but they all understand the importance of a strong sustainable economy and smart strategic planned growth, and they will be the most affected by the Board's decision. The team will focus on traffic, lack of service, characteristics of the area, and quality of life. The applicant has stated they are not farmers, and they will not farm on this land therefore the subject parcel does not meet the criteria for agritourism or agritourism activity. The applicant's letter of intent clarifies the proposed special events facility is the primary use of the parcel, with accessory uses and activities being supported by agritourism. The concert venue requires a farm or ranch, not the other way around. Will the proposed use be injurious to the other properties or negatively change the essential character of the area? Will there be undue interference with existing or future traffic patterns? The answer to both questions is yes. Ms. Bailey referenced the TIS and said it contains erroneous information and should be rejected. She further testified about traffic impacts, proposed widening plans, construction not beginning until 2027. The Canyon County Sheriff's Office believes this section of Hwy 55 cannot support the amount of traffic based on the current roadway design of two lanes between South 10<sup>th</sup> Avenue, Farmway Road and Hoskins Road. She referenced agency comments related to the TIS. Concerns include excessive traffic, noise, vibration, air pollution, and adverse health effects as well as property value. Increasing congestion will result in the community being isolated from fire, ambulance, and other emergency services.

**Patricia Anne Lodge** testified she would support a small music situation with a cidery which would go along with agritourism, but she does not support a large music venue that would impact a lot of people in the valley. She spoke about how the Ste. Chappelle property has a nice music venue and it does not impact the community or traffic across the lake.

**Steven Bair** has lived a ½ mile from the site for 40 years and he has managed 400 acres of the orchard owned by the LDS church. He hears the noise from Ste. Chappelle, but they do not have that many events, but the proposed venue will be different. He farms both day and night in the orchard and the nighttime activity is noise in its own right. He is concerned about the impacts on farming and the traffic safety conditions, especially with semitrucks delivering to the area.

**Daniel Bair**, who works at the orchard with his father, is concerned about the impacts the venue will have on traffic in the area. There are tractors on the road and crossing the road and he is concerned for the safety of the employees.

**John Ottenhoff** testified about his concerns regarding noise, lights, traffic, and the impacts to wildlife and migratory birds. He said the Lake Lowell lower dam is a popular destination for cyclists, but there is nothing in the TIS about nonmotorized traffic. It's a unique environment and the area should be protected. He believes the proposal is misguided and will bring little benefit and much damage to the area.

**Colleen Schaub** is opposed to the proposal due to lack of emergency services especially as it relates to the Sheriff's Office. She lives on Orchard Avenue and has tried to reduce the speed from 45 mph to 35 mph because the road is dangerous and has many blind spots. There are walkers, joggers, and cyclists in the area; dogs and wildlife have been killed in vehicle accidents. The traffic is horrendous, and Hwy 55 will be the main road to the facility, but people will use Orchard Avenue. There is a lack of Sheriff's patrol officers, and although the salary increases have helped retain officers we now have to work to get more law enforcement and we are not able to take on this venue.

**Jeff Hibbard** lives a mile from the subject property and agrees with the opposition testimony. Should the Board approve the application, he asked for consideration of the following conditions of approval:

- In the event the venue goes into bankruptcy, Canyon County would be granted first right of refusal for the purchase of the property.
- If the Sheriff's Office is required to deal with any situation at the facility, or a situation caused by its operation, or a request for assistance by the facility's owners or managers, the full cost of the office's response is to be paid by the facility's owners.
- Noise levels created by the operations of the facility shall not exceed 80 decibels at a distance of 300 feet from the facility. This specification covers all frequencies audible to humans, nominally in that 20 hrz to 15,000 hrz. Testing occurs no less than every five events and reporting the results to the County on a quarterly basis. Three violations of this condition shall result in a permanent shutdown of the facility.
- Events shall not take place on heavily travelled days, such as Easter, Labor Day, July 4, Memorial Day, Thanksgiving, Christmas, New Year's Eve, evenings of the Caldwell Night Rodeo, and Snake River Stampede to minimize potential strain on County resources as they would be required to watch those over events.
- Any amplified audio event will have a hard end time of 10:00 p.m. That precedent was set by the County in Case Nos. CU2007-86, PH2016-54, and CU2019-0029 (the last two cases

are related to the neighboring properties across Lowell Road.) Allowing an 11:00 p.m. end time would be injurious to neighbors who have already had those CUP's approved.

- Hours of operation end for any special event limited to 11:00 p.m.
- Failure to adhere to the 10:00 p.m. end of amplified music will result in a progressive fine. Four violations in six months would be grounds for closure of the facility.
- Alcohol sales to end one hour prior to the scheduled end of the event that evening.
- Due to the increased risk of a mass casualty incident, the County will require the applicant to fund a bi-annual mass incident response training with CCSO mutual aid responders and regional ambulance providers. The first training is to occur prior to the operations of the facility opening.
- Based on the Sheriff's Office written comments, the applicant will fund one fulltime employee at the Sheriff's Office to address the additional workload of traffic management/incident responses to staff May through October in order to relieve the burden placed on the Sheriff's Office by this venue; i.e., manage off-street parking, private patrol cannot police that, and CHD4 or ITD will direct traffic if they are not able to police so County resources need to enforce.
- The applicant is to follow all codes and laws relating to traffic management on a state highway, specifically staff permitted to direct traffic on roadway.
- The applicant shall work with appropriate road and highway departments to procure and install non-parking signage on Hwy 55 and Lowell Road, east and west of the venue.
- The U-pick property and cidery must be owned by the same owners of the concert venue to ensure the investment in agriculture. Failure to maintain an agriculture footprint will be grounds for permanent closure of the facility.
- U-pick orchard and cidery size and hours of operation must be defined and agreed to with the County to ensure they are not just a token gesture to the agritourism designation. Closure of either facility could result in permanent closure of the facility.
- The cidery must be in place and operational prior to the operation of the concert venue.
- At a minimum, the blind curve at Hoskins Road and Hwy 55 must be addressed prior to the commencement of the operations.

- The applicant shall provide cell service analysis to ensure the towers in the area are not overwhelmed with concern attendees blocking 911 calls from nearby motorists that might have emergencies.
- The applicant shall complete a helipad and contract for air ambulance services to be on standby during events.

**Bernard Stahl** lives a half mile from the subject property, and he gave testimony about a car accident he was involved in. He likes the concept of the venue but does not believe this is the appropriate location for it given the dangerous roads in the area.

**Eldon Betts** gave testimony regarding the Symms family legacy and his teaching experience and how it was important to inform students about agriculture, as well as farming, ranching and policymaking affecting agriculture. There were several times he and his students would hear Steve Symms speak at events and he always made it clear about the importance of preserving and protecting the ag lands and how underground drinking water needs to be managed. He said Mr. Symms stood out in Washington, D.C., because he had a vision of our future and our ever-growing need for food and clean drinking water. Mr. Betts is disappointed about the proposal to build on fertile farm ground. The Sunnyslope area has been a mecca in agriculture and this proposal could end agriculture in the Sunnyslope area. He said it's a wonderful concept, but it's in a bad location and it should be closer to businesses, hotels, gas stations, etc.

**Steve Uhlmer** agrees with others who have said this is a great idea, but it is in the wrong location. We don't have the infrastructure and he does not believe development and impact fees will cover what's going to be necessary for what's coming to this area. Fire suppression needs to be above 300 gallons per minute. The cost will be too much for the citizens who decided they wanted to live there because of the existing zoning.

**Irma Noe** is a 4<sup>th</sup> generation Idahoan from this area, and she has not heard local businesses talking about how this will benefit the residents. She believes it will ruin homes. Her family no longer farms but she has seen the impacts from traffic and out-of-staters moving in and building million-dollar homes and leaving them vacant and the residents must pay increased property taxes. She wishes we could grow in the manner we need to grow and not always think about the money – we need to think about the residents.

**Barbara Parshley** testified that she spoke with CCSO officers about the potential impact this facility would have on Sheriff's Office operations. There are 32 officers with 2 in training; they need 48 for overall patrol. The office is requesting 12 deputies over the next 3 years based on our present population without the amphitheater. Each shift has 5-7 deputies at a time. The final staff report states that the crash rate on Hwy 55 is 11 times higher than that of the average state highway in Idaho. Crashes in this corridor also tend to be more severe than on the average highway, and additional traffic will increase the dangers in this corridor and the intersections. With the current shortage of deputies and jail facilities, the office has a catch and release plan for offenders

arrested. News articles said Canyon County is so concerned about the dramatic rise in violent crime that a partnership has been formed involving federal, state, county, and city law enforcement. The proposal will bring additional tax burdens to citizens, and negatively impact law enforcement services.

**Kay Devenport** testified that the residents of Sunnyslope moved to the area for the quality of life. She has lived in the area since 1974 and is concerned about the aquifer. There were droughts and not enough water to irrigate, and the orchards drilled huge wells which caused a lot of water to draw sand or go dry and those wells either had to be re-dug or new wells installed.

**John Kernkamp** testified that the P&Z Commission FCO's determined that the proposal was in keeping with the 2020 comprehensive plan, but he disagrees; 8 qualities of life are an important consideration in land use planning. The 2030 comprehensive plan continues this concept in its vision to ensure quality of life for citizens. The event center will negatively impact the lives of many people, and the dramatic increases in crowds of people, traffic, and sound and light pollution as well as the urban anonymity that breeds increasing crime is what can be expected. The development is likely to trigger a follow-on effect stimulating more requests for urban-style projects eventually resulting in the conversion of Canyon County into big city living.

**Madeline Hall** lives  $\frac{3}{4}$  of a mile from the proposed amphitheater and is a fourth-generation family member on the farm her great-grandfather bought in 1917. One of her biggest concerns is how the proposal will affect the tranquility of the slope. It will be noisy with added traffic, sound checks, and concertgoers and performers for one-fifth of the year. She is opposed to the concert venue, but she would love to see an apple barn and cider mill that features local harvest in a variety of ways. She is not against development on the slope, but any development needs to protect not only agriculture but the residents and their property.

**Lynette Enrico** supports farm to fork but this is a bad location, and she believes the proposal would change the essential character of the area and negatively impact the quality of life. She supports the testimony of Tera Bailey and Gregg Algers.

**Margie Robinson** is from a fifth-generation farm family, and she spoke of the importance of farmland - no farms no food.

**Anne Delgado** testified about the traffic impact of Hwy 55 and Lowell Road as well as the impacts to surrounding smaller roads. She is also concerned about the impacts to wildlife.

**Paul Panther** referenced an article from USA Today on the 10 best wine regions and the Snake River Valley AVA is No. 6 on the list. The CHD4 report indicated a potential impact of 1,000 vehicles at peak hours for events at the proposed facility. He is concerned about the speed limit on Hwy 55 and adding significantly more traffic to the roadways. Mr. Panther said agritourism is defined as providing limited liability for agritourism professionals against injury to people coming to those kinds of activities and that's because agricultural activities, unlike going to a concert, are inherently dangerous in some respects as you have domestic animals, potentially wild animals, and farm

equipment that can be dangerous. What's contemplated in this proposal is not within the contemplation of agritourism.

**Amy Bitner** testified she is part of the family owned Bitner Vineyards and she spoke of the massive tractor traffic on the roadways. While it's been stated there are no seed industries in the area, the reality is there are a lot of tractors in the area. This is a beautiful area and people come to the area to get away from the congestion. Most of the wineries in the community close at 5 p.m. or 6 p.m., and people come in and out throughout the day, so having thousands of people come to the area at one time and ending at 11:00 p.m. is like nothing the community has seen. She has a background in emergency services and has worked with police, fire, ambulance, and emergency management where the focal point was emergency preparedness, public safety, and crowd flow simulation. The video she provided to staff today is from July 3<sup>rd</sup> and it is an aerial view of the valley showing 200 cars parked all over for the July 3<sup>rd</sup> fireworks. The venue is proposed to have a parking lot for 2,500 people but when the music stops at 11:00 p.m. there are only two entrances for the vehicles to exit and they will either exit off Hwy 55 or Lowell Road. People will park off property alongside the roads, on canal banks and other property. There were no police service or people managing or maintaining the parking situation for the July 3<sup>rd</sup> event. There are no sidewalks or lighting so if people choose to walk across Hwy 55 that is going to cause some major impacts. She is concerned about people drinking and driving in the community. There could be 60-70 concerts if the proposal is approved and questioned what will happen with EMS services that are strained when other events are happening in the valley the same evening. The Board needs to look at the entire impact - not just this event - on how EMS will be able to handle such a massive project.

**Kim Johnson** testified regarding concerns of keeping Canyon County one of the top agricultural seed producing counties in the nation. This area contributes greatly to Idaho's standing as one of the top 5 seed producing counties in the nation and it will affect the demise of many of those ag businesses that service that seed industry. As farm and livestock operators for 40 years she asked the Board to review the letter in the file from Johnson Custom Combine as well as a list of the current agricultural businesses in the venue area that have signed a petition along with numerous employees stating their objection to this proposal. This letter consists of current seed companies, livestock and training facilities, hatchery, bee and insect pollinating companies, wineries, custom harvest companies and several other ag related companies that exist in the area. Her custom harvest business covers 5,000-6,000 acres each year between June and November primarily in and around the venue area. The machinery they use travels 20 mph and takes up 18-36 feet in road space in an allowable 24 feet of road width. Numerous vehicle and machinery accidents have already happened. The venue will disrupt the nature and occupations of this area. You cannot have this type of urban agritourism impact in this area and keep it a prime seed producing area.

**Geri Smith** testified that of the 98 in favor of the proposal, 81 of those were form letters and they represent finance, relators, developers, and a paid consultant. Regarding emergency services, the EMT vehicles do not transport - they are not paramedics. If something happens on site it will take a minimum of 20 minutes assuming an ambulance is sitting at West Valley Medical Center with no traffic issues. She said the Marsing Volunteer Fire Dept. has had a 40% increase in calls in one year

without this proposal. Between 2020 and 2021 there was an increase of 1,000 accidents. We are getting into the 100 deadliest days - and we've already gone past 50 fatalities.

**Janet Cryder** read the written testimony of Mary Confer who lives a half mile from the site. Her family has lived there for 50 years and said the area has seen a lot of growth in commercial business, but the difference between this proposal and earlier commercial development is the lack of agriculture. Growth should be well planned. This proposal is inconsistent with prior conditional use permit approvals, specifically quiet hours, and concessions of amplified music. This proposal is 8 times larger than the largest event site in Sunnyslope and it does not fit the essential character of the area.

**Jim Streicher** is a retired law enforcement officer, and he gave perspective on how he saw Sunnyslope from the patrol side. He has heard citizens talk about how great it is that the Sheriff's Office is hiring people, but it takes about 3 years from recruitment to patrol. During his employment with CCSO they were lucky if they had five deputies on a shift. All it takes is a crash and some domestic violence incidents to utilize all the county law enforcement resources.

**Darryl Ford** stated he participated in a survey in 2019 on rural areas where people said they didn't want to have growth. They want to raise their children in the country and that's why he moved to the Sunnyslope area. He does not believe the venue is a good fit for the area. It would be nice to have bridle trails, a veterinary, and a feed store because those things would match the area. He expressed concern that people go from winery to winery sipping wine and driving on the roads and that doesn't make sense from a safety standpoint.

**Brian Burnham** is retired from the safety management field, and he offered testimony regarding decibel levels. The applicants have said the venue will be 85 decibels, but he said as today's meeting was getting started the decibel level in the meeting room was nearly 85 decibels. The noise from the music and concertgoers the decibel levels will be 120 or 130.

**Michael Devenport** said concerts can be held at the fairgrounds or the Idaho Center. His concerns include safety, sound, and bad drivers.

**Wayne Rundall** testified that he works with the Sunnyslope Community Coalition. He thanked the farmers and ranchers who have been here for years, but this proposal is a concert venue, not an agritourism destination. It does not meet the goal to support and encourage the agricultural use of agricultural land. It does not protect agricultural activities from land use conflicts or undue interference created by existing or proposed residential, commercial, or industrial development. The CUP makes agriculture an accessory use of the concert venue. If the risks inherent to the use differ greatly from those related to the natural conditions, animals, farm structure and equipment it is likely not agritourism. The CUP would take 45 acres of farmland and turn it into a concert venue for 5,000 people, 2,500 cars. The wine tasting facility would not be open unless an event was taking place at the concert venue about 70 times a year and it's clear that the operators of the concert venue will not be involved in any agricultural aspect of agritourism. It will change the essential character of the area.

**Becky Hartmann** testified that the subject property borders her land. She moved to the area five years ago to this peaceful area with plans to build her future forever home across from her existing driveway whose back deck will now be facing the concert stage. Hwy 55 is two lanes with no shoulders, other than in Sunnyslope. Sunnyslope is 3 miles long, and Napa Valley is 30 miles long and the two should not be compared. A vehicle accident will have traffic backed up for miles. This is not agritourism, nobody comes to a concert to pick apples. The cidery would be great if it wasn't a token facility to pretend it's agritourism. This is not progress, it's an annihilation of the Sunnyslope wine country vine. Her neighbor is putting in a vineyard and tasting rooms and that type of use belongs there. Sunnyslope is a treasure, and it should be preserved as agriculture.

**Craig Davis** lives a mile from the proposed site, and he owns a winery that was established in 2015 and he believes the proposal will detrimentally change the character of the area. When he went through the permit process for his winery he was denied by ITD because 150 cars were going to be turning off Hwy 55 towards his property onto Lake Lowell. He was eventually approved after showing that people could turn on four different roads. The music venue for 300 seats has been declined and now there is a request for 5,000 seats which he finds baffling. He supports the cidery and U-pick orchard, but a music venue doesn't make sense at this location.

**Mark Wendelsdorf** offered testimony on behalf of the Caldwell Rural Fire Protection District. The proposal is not located within the district, but simply travelling two miles north or two miles east you will enter the Caldwell Rural Fire Protection District. The impact from the traffic generated by the events will have an impact on their ability to deliver services in the area. From the crest of the hill on Hwy 55 to 10<sup>th</sup> Avenue the district has full responsibility for that area, and they have shut down traffic because that area is so fast and so narrow the only thing they can do is shut down traffic for the safety of the responders. He referenced the TIS regarding routes, estimates, and delayed response times. The Caldwell Rural Fire Protection District Commissioners are opposed to the project. In a May 11, 2023, email from ITD it stated the current plans for Hwy 55 to be widened from Middleton Road to Farmway Road should be completed in early 2027. Farmway Road to Pear Lane expansion is unfunded at this time. The fire district commissioners believe the additional traffic flow before and after the event will lead to an increase in the number of crashes on an already busy section of road. With the additional traffic and delay in road improvements it will slow emergency vehicles from responding to 911 calls. Once the road has been updated and able to handle the traffic flow the district believes re-evaluation would be in order for this project or similar-type project.

**Nancy Tiffany** lives five miles from the venue site. She moved from an area in another state that was very similar to the Sunnyslope area where they held two main events every year that brought in thousands of people to the area and while the income generated benefitted a small number of people the inconvenience and danger involved and the conditions it created impacted thousands of lives.

**Danny Trivett** said there was testimony that there are only five deputies on a shift and that's nowhere near what is needed to respond to a catastrophic event. The residents in the area will be affected by the noise, lights, traffic from the venue, and delayed EMS response times.

**Julie Rundall** said the request is for an exception to the agricultural zoning by a newly formed entity headquartered in the San Francisco Bay area that has never turned a spade of soil in Canyon County. She urged the Board to uphold the P&Z Commission denial.

**Hipolyta Delgado** is a retired law enforcement officer and has experience with similar venues and the incidents that occur there such as assaults, stabbings, and shootings. We do not have the manpower coverage for this proposal. Additionally, he is also concerned about the noise.

**Kris Pyell** lives .6 of a mile from the proposed event center and she is concerned about the negative impacts on the Sunnyslope community in the form of immense traffic, visual appearance of the area, strain on EMS, and deputy responses and the overall effects to humans, livestock, migratory birds, raptors, and bees. With this number of people gathering, 5G towers may be necessary. Financial hardships will impede the residents, and crime has drastically increased. Are we prepared for a mass casualty event?

**Ann Ledford** is opposed to the proposal because the amphitheater does not fit the character of Sunnyslope. Both the 2020 and 2030 comprehensive plans speak to the preservation of agriculture, and she questioned how the concert venue helps the future of agriculture, agritourism, and the Sunnyslope area. Agritourism does not include commercial events or commercial entertainment. She believes a cidery and a U-pick orchard would benefit the area. Concerns include traffic and safety. She spoke to ITD last week and they said there is mitigation for the venue to have three exits onto Hwy 55, but they would not tell her how the traffic would flow into the venue. Who will monitor the mitigation and make sure they happen? She lives on True Lane, off Hwy 55 and there are a lot of skid marks at Lowell Road and True Lane because nobody pays attention.

**Marianne Reczek-Phoebus** lives 3 miles outside of Marsing and testified that the proposal will impact the serene agricultural area she lives in with increased traffic, trash, and litter and the potential for vandalism at Lizard Butte.

**Gregg Dunlap** is the owner of Dunlap Hatchery which has been in business since 1918 and produces over 2 million birds a year. They also farm several hundred acres. He testified about how noise affects poultry and how excessive noise can cause conditions where birds will not move, or they will become frantic where they pile up and suffocate the birds below which can result in the loss of thousands of birds in a matter of minutes. The hatchery needs electrical power to run incubators and if the power is disrupted the incubation process is delayed, which can cause problems.

Commissioner Holton made a motion to continue the hearing to July 26 at 9:00 a.m. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 5:30 p.m. An audio recording is on file in the Commissioners' Office.

#### JULY 2023 TERM

CALDWELL, IDAHO JULY 26, 2023

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mountain Home Auto Ranch in the amount of \$98,552.00 for the Fleet Department (PO #5571)
- Dell in the amount of \$24,636.82 for the Information Technology Department (PO #5694)
- Right! Systems, Inc., in the amount of \$8,800.00 for the Information Technology Department (PO #5695)
- Dell in the amount of \$7,691.20 for the Information Technology Department (PO #5696)
- Titan HQ Towers in the amount of \$33,468.00 for the Information Technology Department (#5698)
- Symbolarts, LLC, in the amount of \$1,016.00 for the Sheriff's Office

#### APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Capitol Bar to be used 8/5/23 and 8/19/23; and County Line Wine to be used 7/28/23.

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Ryan Vanderwerf, Juvenile Probation Officer I.

#### CONTINUATION OF A PUBLIC HEARING - THE APPLICANT, BORTON-LAKEY LAW REPRESENTING EW REAL ESTATE, LLC, IS APPEALING THE P&Z COMMISSION'S DECISION REGARDING THE DENIAL OF CASE CU2022-0034, A CONDITIONAL USE PERMIT (CASE NO. CU2022-0034-APL)

The Board met today at 9:00 a.m. for the continued public hearing in Case No. CU2022-0034-APL, where the applicant, Borton-Lakey Law representing EW Real Estate, LLC, appealed the P&Z Commission's decision to deny Case No. CU2022-0034, a conditional use permit to allow an agritourism oriented special events facility use within an "A" (Agricultural) Zoning District. Present were: Commissioners Brad Holton and Zach Brooks, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, DSD Office Manager Jennifer Almeida, DSD Planner III Michelle Barron, DSD Planner II Samantha Hammond, County Engineer Devin Krasowski, Deputy PA Zach Wesley,

Deborah Nelson, Bill LeClerc, Dar Symms, John Starr, Geoff Mathews, Lea Mathews, Janet Crider, Jennifer Crumm, Mandi Williams, Tamera Frans, Tara Bailey, Kris Crookham, Judy Leathers, Terry McClellin, Mark Naillon, Elisha Brooks, Mark Wendelsdorf, Keri Smith, George Crookham, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from July 25, 2023.

Testimony in opposition resumed as follows:

Janet Crider lives in Marsing and is concerned about the impacts to emergency services for Marsing residents if this project is approved. She also expressed concern that no one in Marsing was notified of the hearing for this case.

Jennifer Crumm read a letter from the Sunnyslope Community Coalition which stated they object to Senator Lakey acting as counsel on behalf of the applicant as it is a potential conflict of interest and a potential ethics violation. They will submit an official records request for all forms of official records pertaining to this hearing as they pursue counsel from the higher authority. Additionally, when Senator Lakey submitted the application and performed additional actions on behalf of his client they feel there may have been undue influence on the public servants to process the applicant's incomplete application.

Mandi Williams testified she hopes to build a home on her mother's property which is on Hoskins Road, and she is concerned about the negative impacts to the character of the area if the project is approved. She also has concerns about traffic and the lack of infrastructure.

Tamera Frans testified the construction that's going on between Karcher Road and Pear Lane started in 2013 and it was a study that began to look at the mobility, safety, and capacity out to 2045. There has been unprecedented growth and her concern is if by the time this gets built out that road is going to be under construction for quite some time and the other alternative will most likely be Farmway Road. She said the Canyon Highway District and the City of Caldwell are trying to get a roundabout at the worst intersection with the most fatalities which is at Ustick Road, and Homedale Road. Increased capacity on both roads during construction will be a nightmare. With the unprecedented growth, with the plans it took from 2013 until now to get funding to right-of-way, to get the plans, the designs approved, it's going to be outdated by the time it's put in place and the additional capacity on a regular basis on this road is going to push it over the edge. There is a section that is going to be approximately 4 miles, from Farmway to Pear Lane where the plans haven't begun yet. The alternate route is to come across Chicken Dinner Road where she has witnessed many horrible accidents. She questioned what this will do to property taxes in the area and is worried it will increase to a point the residents will no longer be able to live there. People parking along canals and leaving trash will impact the neighbors.

Tara Bailey read a statement on behalf of Laura Jean Rispen. The traffic study did not factor in potential customers pulling empty livestock trailers through the route. Increased traffic with people speeding along Highway 55 with people heading to a proposed amphitheater will only serve to increase the stoplight racing behavior. She likes the farm to fork concept, the U-pick

orchard, and the cidery but she does not support the amphitheater which is too large for this rural community.

Kris Crookham testified that she travels Highway 55 multiple times a week from May through November, and she is opposed to the venue because as it is not agritourism, it's the entertainment industry. She would support the venue inside the city of Caldwell where it can be supported. She referenced the TIS report and said she did a public records request with ITD for the route and the number one thing that stood out is the incremental operational analysis that goes from 2019 to 2045 where each of the graphs indicate there are major intersections along Highway 55 that will continue through 2045 as they widen to a 5-lane road. The study does not include adding 1,000-2,000 cars. She does not think the TIS is accurate in its analysis. The second question she has on the TIS is it only addresses the 4-5pm travel window which is an insufficient analysis. She served on the Ada County Zoning Commission and when they adopted agritourism zoning ordinances they made it so it's an intimate, limited amount of people that will not be trespassing on other people's farms. Ms. Crookham's family has been farming for over 100 years and the Symms family is dear to her heart, and it is difficult to provide testimony today.

Judy Leathers lives one block northwest of the subject property and she is opposed to having her neighbors and herself subjected to self-indulgence of this overreach. She offered testimony by summarizing a few studies and articles on hearing damage stating that noise can act as a nonspecific biological stressor that is able to elicit reactions that prepare the body for flight or fight. Loud noise can cause health problems such as high blood pressure, faster heart rate, upset stomach, problems sleeping and problems with how babies develop before birth. Noise does more than cause hearing loss - it can impact your health or learning, and social life. Neighbors do not want to have to stay in their homes to be safe. 70-90 decibels can cause damage, but 120 decibels can cause profound hearing loss; some concerts are 139 decibels. She cited information that reported amphitheaters harm health. The majority of residents object to this proposal. Ms. Leathers submitted petitions signed by 402 people whose lives would be damaged if the application is approved. She urged the Board to listen to most of the public who are saying no to this horrible intrusion on their quality of life.

Terry McClellin lives a quarter mile from the site, and she testified about her concerns regarding noise and the negative impacts on wildlife as well as the negative impacts to the residents' health and quality of life. She is also concerned about the negative impacts to property values.

Mark Naillon lives in Marsing and is concerned about the negative impacts the proposal will have on the residents of Marsing. He testified about his experience developing land in California. He said a lot of the people who support the amphitheater do not live anywhere near the location so their opinions should not be counted. Mr. Naillon does not support the proposed location for this type of use.

Elisha Brooks is an owner of Kindred Vineyards on Frost Road and testified that we are meant to be stewards of the land, but developers have no motivation to alter their plans and will not be affected by traffic, lights, of the lack of safety and resources, however, the residents will feel the

effects of the development on a daily basis. Idaho recently won many medals in a regional competition and the wine region is growing over 30% every year and we have a century of winemaking just in Sunnyslope. It's been said there are only two options: Build a 5,000-seat amphitheater or bury Sunnyslope under houses, but she said a third option would be to continue the momentum and turn it into a world-renowned region with ciders, U-pick orchards, small shops, and hundreds of acres of vineyards.

Rebuttal testimony was offered by Deborah Nelson. Notice for the application was provided in accordance with County requirements with the notice radius at 1,000 feet. Also, the site was posted. There was an allegation about Mr. Lakey's representation of the applicant. He is bound to follow all ethical standards of the professional responsibility rules that govern lawyers, and there was an allegation that the County improperly processed the application simply based on his involvement. Ms. Nelson has full confidence in the County for exercising all appropriate ethical standards in their review and following their own rules and guidelines for processing the application. The applicant is not drilling new wells, they will use the Symms existing public water systems. The Symms are state-licensed operators of that system. The fire suppression pressure levels will be determined during design and will have to be approved by the fire marshal as part of any building permit application. The applicant will enter into agreements to secure water and wastewater to meet project needs before obtaining a building permit. The applicant has private security on staff to have a safe and welcoming environment at the venue. No drinking is allowed in parking lots, and they agree to end alcohol sales one hour prior to closing. The applicant and the Symms are committed to having a cidery and they will agree to a condition requiring the cidery to open contemporaneously with the music operations. Regarding the sound system, sound can be directed to minimize travel to the side, the system can use more speakers to provide sound in a directed pattern rather than relying on fewer sources that have to broadcast more widely. The building design is critical to shield and direct sound. The stage is oriented to face away from the closest neighbors to the south. The extensive Symms property on three sides also creates a significant buffer. The real control is Conditions 12 & 13 that limit sound to 85 decibels at the property and require a continuous measurement. The property line is the appropriate place to measure to ensure compatibility with other properties. There is sufficient parking on site to accommodate the guests, and the applicant will work to prevent offsite parking through event staff. Condition #19 requires all parking to be onsite. The applicant agrees to work with Canyon Highway District to install no parking signs on Lowell Road. The applicant will take trash from people as they exit the venue and walk to their cars and by sending out crews every morning after events to find and collect trash that may have been tossed in the area. The applicant will maintain a hotline posted on their website so that any facility-related issues can be registered and addressed quickly. ITD, Canyon Highway District, COMPASS is part of that consultation directs the scope of traffic studies for any project. They also have their own requirements that have to be followed as the traffic studies are prepared and then they review and provide comments and the studies are updated to reflect all comments. ITD directed the peak hours and days to be evaluated for this facility. ITD approved the scope and found Highway 55 has capacity to handle the use although this is not to say there is no traffic impact. The applicant's engineer responded to each of highway district's comments in a February 15 memo and incorporated the new items into the updated traffic study. ITD directed further updates that were needed resulting in the April 28

updated traffic study. They identified the mitigations required for the project. The highway district responded to ITD's letter to say they agree with ITD's required mitigations which have been incorporated into Conditions 15, 16, 17 & 18. ITD approved the scope and conclusions in the final traffic study which found that Highway 55 has sufficient capacity for the use. ITD has plans to expand this section of Highway 55 in the future, but even as a two-lane highway the peak volumes are within existing capacities, but this is not to say that there is no traffic impact. The applicant recognizes that the trips still put a lot of cars on the road in one interval. The conditions from the highway district and ITD help to address this by requiring temporary barricades to direct departing trips to Highway 55 and off of local roads. The applicant helps to control this by carefully controlling the outflow to limit the number of cars that exit the gate on the property at a time to prevent gaps and cars from stacking up at the next intersection. Several people testified about inadequate staffing at the Sheriff's Office but based on this year's budget hearings, for the first time in decades the department is fully staffed with patrol and jail deputies, with just two positions remaining in the jail. The Sheriff's budget proposes to add four new patrol deputies to keep up with population growth. The letter from the Sheriff's Office did not raise concerns about staffing or serving this site but was focused on transportation. Ms. Nelson stated Condition #19C requires the applicant to work with ITD, Canyon Highway District, Canyon County Sheriff's Office, and appropriate EMS departments to create and approve an appropriate traffic management plan for events before the use can commence. Condition #31 requires the applicant to incorporate the ambulance district's conditions of approval to ensure trained medical professionals are on site to assist with medical needs. Onsite EMT's can handle nearly all circumstances; it is rare to need transport to a hospital but in the event it is needed, the Canyon County Ambulance District serves the property, and the applicant will work with them in advance of events as they have requested. Private ambulance service is also an option if that becomes necessary. As a conditionally allowed use, staff have found the use meets the comprehensive plan goals and policies, under the code and plan this use is consistent with the character of the area. The conditions of approval mitigate impacts on surrounding properties. The project has received support from the surrounding agricultural community and businesses who believe this venue provides a necessary opportunity for agricultural properties to diversify and attract customers to support their operations that increasingly are depending on tourists. Those in opposition have been focused on traffic and sound and the required mitigation and conditions are responsive to these issues. Regarding property values, the Symms and others are trying to maintain what they have, trying to keep the agricultural base steady. There is general alignment with the desire to protect agricultural opportunities in the area and to limit crowded residential growth. This is private property where the owner is requesting to pursue a conditionally allowed use in compliance with the code and the comprehensive plan. The P&Z Commission did not have the benefit of the final transportation decision or mitigations that have been required or the conditions of approval that are responsive to testimony to address key issues related to sound, traffic, and EMS. The planning staff has found that as conditioned, Sunnyslope Ranch does comply with the comprehensive plan criteria.

Commissioner Brooks said with the volume of exhibits presented, we have no realistic expectation that we will be able to review those exhibits unless the Board meets again on Monday. Commissioner Holton said they could be put in the record, but not be part of the Board's deliberation. Commissioner Brooks made a motion to accept the late exhibits as part of the public

record, but they will not be part of our deliberation in the decision. It was noted that Exhibit #11 is staff's presentation, and Exhibits #12.1 through #12.15 are the public comments and they should be included in the record. The motion was seconded by Commissioner Holton and carried unanimously. Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to close public testimony. The Board's deliberation was as follows:

The Board reviewed the three points P&Z Commission used for its basis of denial.

***#4 - Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?***

Commissioner Holton said the Board has to consider the immediate vicinity and since the venue is going to draw patrons from far away the immediate vicinity is not just the property, it's impacting a significant area and is bigger than the parcel. There has to be a balance between the applicant's request and the public comments received. Commissioner Brooks said the burden of persuasion is on the applicant. He is not persuaded to go against the P&Z Commission decision, and he has not been convinced that this request will not be injurious to other property in the area or to the character of the area. Commissioner Holton spoke of his experience sound measurements and said in open air venues sound and the pressure waves act differently after sundown, and in order to be persuaded he would need to have an audio test that is done on the basis of what the actual conditions would be and that sound levels at 85 decibels with peaks that don't exist longer than 60 seconds. He would not want to be a neighbor to the venue nor does he have any recommendations for the applicant on how to make a different measurement that he would entertain as measurable and be comfortable to make a decision on. His suggestion is the measurements be made after sundown and be done for a full hour from 10:00 p.m. to 11:00 p.m. and see how the neighbors or the area is receptive to that. He is concerned about the megaphone issue the slope could cause with sound. He found it interesting that Ste. Chappelle was not alluded to in testimony other than the size and much smaller number of events. He is in conflict with the County's granting of CUP's on properties in the immediate vicinity to this property that have been given sound limiting conditions on their property and yet this application is considering something that would be out of the norm and far greater. Commissioner Brooks said there was testimony that most people are supportive of everything except the venue itself, and if that was not included it would have been a simpler process. Criteria #4 and #7 are interlinked as far as traffic and negatively affecting the essential character of the area especially when there are portions of the road that aren't projected to be funded to be widened. Commissioners Holton and Brooks find that the proposed use appears to be injurious to other properties in the immediate vicinity and has the potential to negatively change the essential character of the area.

***#7 - Will there be undue interference with existing or future traffic patterns?*** Commissioner Holton is frustrated with the traffic studies, and within the documentation there was an unbiased study that was done in 2019 and they determined what the background normal traffic was and they found that the high peak was between 5:00 p.m. and 6:00 p.m. When an applicant contracts with a traffic study they contract with a firm they choose and they set whatever they want to set as the study period and the date they study and that is not mandated in specificity from ITD. Director

Minshall said the applicant does propose the general scope and hours they want; however, it does the require concurrence with ITD which is why you see a progression from when the original traffic study done, there are some questions from the highway district and ITD and the County. The applicant can consult with whomever they desire, but it does have to be approved along the way in communication responses. You're not only looking at the TIS but the operational analysis, when are improvements planned, etc. Commissioner Holton said there are some documents that concern him related to #7 and he takes exception to the applicant's rebuttal when she said the Sheriff's Office was fine with the request, but the closing sentence of the letter states they cannot support the amount of traffic based on the current roadway design of the two lanes from South 10<sup>th</sup> Avenue, Farmway, to Hoskins Road. Caldwell Rural Fire District has stated they will not be able to support the increased traffic. It's a great idea but it's before the infrastructure is able to support the venue. Commissioner Holton is uncomfortable with making an approval on a major highway arterial that is already saturated and he has great concern that EMS will not be able to respond to traffic accidents due to clogged traffic. This rises to the level of undue interference with traffic and until we can deal with that in a reasonable way we have a possibility that might be well before its time. Commissioner Brooks said there was testimony about the fireworks event the City of Marsing holds every year and the parking and traffic issues from that event. Sunnyslope is an excellent spot to watch the fireworks, but if we were to ask people if they want 60-70 of those events he believes they would be adamantly opposed. People are willing to park everywhere for fireworks, and he believes they will park everywhere for the amphitheater events as well and that constitutes undue interference. Commissioner Holton said he's at a loss to tell the applicant what level below 5,000 seats would be approvable, but 5,000 far exceeds his comfort level so he suggests the applicant work with fire, police, and ambulance and get an agreement to what that threshold could be. He sees the need for what the applicant wants to do but he doesn't have a specific opinion if the location is right or wrong but the 5,000 threshold feels way over bounds. Perhaps it could be a more feasible application at a smaller sized venue. He is concerned people will use the arterial roads to avoid traffic congestion on Highway 55. Commissioner Brooks finds there will be undue interference with existing traffic patterns.

***#8 - Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?*** Commissioner Holton said the applicant made convincing arguments about the irrigation facilities. They are willing to put in a helipad, but he does not see the logic in having a Canyon County ambulance sit on site because they're not going to be able to respond to other calls because of the congestion and we are at a limited number now he doesn't feel it's fair to the rest of the County to do that. There is possible other mitigation that could be done. Regarding water and sanitary services on wastewater, they would have to get the other agencies approval before construction, but unfortunately one of the things the Board has to consider is the water and the sewer so are we kicking the can down the road or are we going to ignore one of the things we have to make a determination on because DEQ and others will figure out the drawings that haven't been submitted yet. He knows if Mr. Symms says he will do it he will do it, but it feels uncomfortable to say carte blanche, go do it. Police and fire have both spoken and they are going to be unable to service the area in a method that they know will accommodate

the use. He finds that essential services need to have a clear method to be mediated to some level in order to give him a firm foundation to make a position decision on. Commissioner Brooks said he agrees with Commissioner Holton's statement. The Board is being told to approve this and the applicant will take care of things with the other entities and it's a terrible position to be in. He finds it uncomfortable that there are two different property owners in terms of the venue location and the site for the water. The applicant has stated they will put qualified EMS on site and would have their own security that works on the premises, but outside of that is not their jurisdiction and that's where we have to be the determining factor. Commissioner Brooks said that ties into #5 regarding adequate water, sewer, irrigation, drainage and stormwater derange facilities and utility systems. It's difficult to make a decision on a plan he has not seen. He has differing opinions on the goals, policies and implementation of the comprehensive plan as well. Commissioner Holton said the denial was over three points and he needed to see if the applicant was persuasive enough to convince him that they have overcome the three points of concern, and he has not been convinced.

Commissioner Holton said he will consider a motion to deny the appeal and uphold the P&Z Commission's denial of the conditional use permit and have Legal work with the Board to draft the findings of fact, conclusions of law. Deputy PA Wesley explained the process and said the draft FCO's that were prepared by staff will need to be updated with the evidence provided and the Board's decision. A new draft will be prepared based on the Board's oral decision made today that will be the final appealable decision of the Board. It's a formal closing of the process. Planning Official Dan Lister asked if there are steps the applicant could take to gain approval? He then reviewed the list of actions the P&Z Commission identified as steps that may gain approval. Commissioner Brooks said he's at a loss for giving any direction as far as how this application in this location could be approved. If the venue was located in an area of city impact or inside city limits and connected to city services it would be a different conversation. Director Minshall asked if there is anything specific the Board wants to include in its findings regarding the corridor and the timing of the corridor improvements on Highway 55 as well as the connections to services? Those items were not part of P&Z Commission's findings and that is the input staff is looking for. Commissioner Holton said Legal can succinctly draft written findings that match what he has said. Commissioner Brooks made a motion to deny the appeal and uphold the P&Z Commission's denial of the conditional use permit. The motion was seconded by Commissioner Holton and carried unanimously. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to direct Legal to make written findings of fact, and conclusions of law about this decision within the next 3-4 weeks. The Board will consider the FCO's on Thursday, August 17, 2023 at 10:30 a.m. Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to adjourn the hearing. The hearing concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: CLAUDIA FRENT, REPRESENTING VIRGIL IOVU, IS REQUESTING A CONDITIONAL REZONE OF PARCEL R29303251 FROM A "R-R" (RURAL RESIDENTIAL) ZONE TO A "CR-R-1" (CONDITIONAL REZONE - SINGLE-FAMILY RESIDENTIAL) ZONE, CASE NO. CR2022-0032

The Board met today at 1:32 p.m. for a public hearing to consider a request from an “A” agricultural zone to “CR-R-1” conditional rezone – single family residential. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister (left at 3:23 p.m.), DSD Planner Michelle Barron, DSD Planner Madelyn Vander Veen, Claudia Frent, Alan Mills, TJ Wellard, Sheena Wellard, Virgil Iovu, Tabita Iovu, Victoria Frent, Jared Mansfield, Gary Smith, Al Sanchez, Daniel Bower, Sue Smith, Susan Ray, Bill Deakins, Ann Binns, Dennis Downey, other interested citizens and Deputy Clerk Jenen Ross.

Madelyn Vander Veen provided the staff report stating that Claudia Frent, representing Virgil Iovu, is requesting a conditional rezone of Parcel R29303251 from an Agricultural zone to a Conditional Rezone - Single-Family Residential zone. The request includes a development agreement that limits the number of divisions of the parcel and maintains the existing building envelope. If approved, the owner will proceed with a subdivision application to divide the parcel into two (2) parcels, each being at least 1 acre. The subject property is located at 2505 S Middleton Rd.; it is approximately 2.92 acres and was created via conditional use permit and subdivision in 2000. The applicant is proposing 2 lots, one being approximately 1 acre and containing the existing residence, and one being 1.92 acres. Both lots will maintain the existing building envelope which was put in place when Coyote Cove Subdivision No. 2 was platted. Both lots will have access to S Middleton Rd through at least 60 ft of frontage. An approach permit will be required at the time of platting. Site photos of the property were shown to the Board. The current surrounding area is within a rural setting with agricultural and residential parcels as well as a gravel pit and Lake Lowell. All county parcels in the area are zoned agricultural, but there are residential subdivisions to the north, west, and south of the subject parcel; within 600 ft, the average lot size is 5.07 acres and the median lot size is 1.99 acres. There are currently 73 subdivisions within 1 mile of the subject property with an average lot size of 0.36 acres. Most of these subdivisions are in the city of Nampa. The property is considered to be 100% Class 3 moderately suited soil and prime farmland. The site is located within a nitrate priority area. The maximum contaminant level for nitrates is 10 milligrams per liter. A well in the area has nitrate levels of 2 - 5 milligrams per liter and a nitrate priority study may be required at the time of subdivision. The proposal aligns with 6 goals and 13 policies of the 2030 Comprehensive Plan, which can be seen in the staff report. The future land use designation is “Residential”. A gravel pit is located across Middleton Rd from the subject property which was approved in 1987. The proposed new parcel would be served by individual well and septic. The property is irrigated via pressurized irrigation from a community well is served by the Nampa School District and Nampa Fire District. All affected agencies were noticed on February 10<sup>th</sup>, 2023. Nampa Highway District, Department of Environmental Quality, and Nampa Fire Department submitted comments which can be found in Exhibit 7 of the staff report. Nampa Planning & Zoning, Idaho Transportation Department, Canyon Soil Conservation District, and Nampa Meridian Irrigation District all stated that they did not have a comment. Opposition comments from the public regarding the application were received in response to the noticing for this hearing and can be found in exhibit 1, attachments K and L1 – L4. The Planning & Zoning Commission recommended denial of the application and has provided Findings of Fact and Conclusions of Law for the Board’s consideration found in exhibit 1; the Board can choose to approve or deny the application or continue the hearing for additional information.

Claudia Frent offered testimony in favor of the application stating that as it stands today the Iovu's have the right to build a secondary home on the property. However, they would like to do a split instead of building a secondary residence because they would like to sell the existing home and downsize in the future for retirement. In an effort to clarify what she feels are misunderstandings, Ms. Frent explained that they do have the right to do a split if they annex into the city or if they get permission from Canyon County. Secondly, in regard to the water issue concerning adequate irrigation water, this is an already existing lot that is being watered from the irrigation well; and if approved with construction of the home and driveway it will actually be less acreage being watered. In regard to the letter from Rambo Construction about traffic, Ms. Frent does not feel that one home going in that area is not going to create excess traffic. Photos of the area and layout of the subdivision were provided by Ms. Frent to the Board. She spoke about how the original developer of the subdivision, Dr. Martin, was able to split his property which he prevented the Iovu's from doing in 2018. In response to a comment from Commissioner Holton, Ms. Frent did clarify that the property would not be able to be annexed into the city at this time because it is not touching any part of the property though she does believe that at some point Rambo will build-out and subdivisions will go in where the gravel pit is currently located and that would be the point the property could be annexed into the city. Her point is that the Iovu's are not changing the character of the area, they are not affecting the water rights, all they are asking is for a split to be done so they can sell the existing home and build another home. In response to a question from Commissioner Van Beek, Ms. Frent stated that the lot to the right of the Iovu's is .89 acres. Ms. Lister addressed a question regarding the building envelope stating that the building envelope only designates where a building can go, so they are agreeing to only a certain location where a house can be built. In response to Commissioner Brooks' question about area of impact, Mr. Lister said this area is currently not in the impact area, however the gravel pit across the road will be included in the proposed new expansion area.

Sheena Wellard offered testimony in favor of the application speaking about the criteria the Board in 2018 based their decision on including the CC&R's and the HOA but how the criteria was never discussed. She also noted that it appeared at that time that Commissioner Dale knew he made the wrong choice and was persuaded by a rumor that was never disclosed to the applicant.

TJ Wellard offered testimony in favor of the application stating that he was the one who originally brought the Iovu's project forward thinking it would be a simple case until the politics of it were considered. He feels that the previous two commissioners who voted against this knew people in the subdivision and based their decision on rumors vs. fact. While he agrees this area is zoned agricultural the use is not agricultural, there is no agricultural use anywhere in the subdivision. He feels this is a rural residential area. He also spoke to what he feels is the lack of property rights.

Mr. Lister stated that previous decisions made in 2018 are irrelevant to the case today meaning that there was a decision made in 2018 but it was a whole different rezone. That was a zoning map amendment and this is a conditional rezone. Staff recommends that the decision today not be based on 2018 but for reasons presented today. Findings will reflect the decision made today, not based on previous information.

Jared Mansfield offered testimony in opposition of the application. He requests that the application be denied for the same reasons it was denied 5 years ago and for the reasons that P&Z recommended denial. There are 17 homes in the HOA and a total of 23 with the included water rights association. He has spoken with and received letters from the majority of the homes in the community which are all in opposition of this split. The reasons he feels this should be denied include smells coming from livestock/farm animals could lead to problems and complaints down the road and adding another property to an already taxed irrigation system and well would put the subdivision over the limit.

Al Sanchez offered testimony speaking about the open nature of the properties and that this division and new home will cause a dramatic change in the nature of the property. He has concerns that if this one change is made it will lead to more which will change the defining characteristics of the subdivision.

Daniel Bower offered testimony in opposition explaining that he feels one of the things that needs to be considered is if this change is made what happens to the rest of the properties. If this determination is made today he is sure that there will be other lots coming forward to be split which will have a greater effect on the water system among other things and at that point the nature of the property changes. He spoke about responses to the decisions made in 2018 as the factors haven't changed. He feels that the CC&R's do matter and that they were set up to make sure there was uniformity and consistency.

Alan Mills spoke about how this subdivision has had to fight the impact area inclusion several times. He feels that when/if the Rambo Construction site does develop the entire area will probably be annexed in. Additionally, he noted the difficulty in adding new parties to a water users' agreement.

Susan Ray said that her and her husband are opposed to this. She spoke about how on the plat there are two lines that allow a homeowner to rezone and split the property. When people buy the property, they are buying an intent that has been in place for over 20 years. She provided information as to where Dr. Martin's lots were and how he was able to divide off part of his property. In regard to water, every lot had connection to the pressurized irrigation; the new lot, if approved, would not have that connection because it is a new lot and was not part of the original development. She feels there is water available but the developer will need to put in that connection.

Claudia Frent offered rebuttal testimony by first addressing the Martin's split, she clarified that it was indeed a split of the property and reviewed photos of where the split was done. She also reviewed photos of other properties in the neighborhood that have a secondary structure. She feels that CC&R's are put in place by developers in order to preserve their development; but in time if every single aspect of the CC&R's aren't enforced they will no longer be 100% valid. She feels that CC&R's need to be regularly updated to acclimate. The love's are not changing the character of the area because it is just one home that is being added. In regard to property rights, she agrees with Mr. Wellard in that there are no more property rights. Ms. Frent answered Board

questions regarding annexation in relation to splitting the property and the conceptual drawing regarding access and distances. Mr. Lister reminded the Board that today's hearing is for a rezone and not a plat; conditions are limited to one split to create two buildable lots. There will be platting that is required that will be before the Board for a decision. Commissioner Brooks expressed that he is interested in the weight that the CC&R's/HOA carry in this as far as if the Board legally has the authority to ignore CC&R's. Mr. Lister said that the county code does not uphold CC&R's. The subdivision can create ones that they enforce but the county does not enforce those rules.

Commissioner Brooks made a motion to accept Ms. Frent's photos into the record as exhibit B, attachment 10. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Brooks made a motion to close public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Board deliberation and general discussion ensued regarding the differences between dividing and rezoning the property vs. a secondary structure, CC&R's related to the role they play in this rezone and the eight (8) criteria points on which the Board must make determination; specific discussion was had surrounding criteria points 2, 4 and 5.

Commissioner Van Beek said she may want more time to contemplate the impact. She feels this is a transition area. She may need more time to look at the implications that may be bigger than just today; the Board is in a process of trying to understand what is being done by city partners in conjunction with county growth and development. She doesn't see that the split decision of the criteria from the planning and zoning commission was a solid no. She can find arguments in favor of both sides but the Board's job is to find what matches best with county code.

Commissioner Brooks said he comes back to property rights and to support one person doing what they would like to do with their property he would have to ignore the rest of the owners in the subdivision and their property rights to continue to live by the agreement they set out and signed up for. He feels that the difference between the two zonings at some level does substantiate an incompatibility.

Director Minshall pointed the board back to the letter received from the City of Nampa, this is not in their area of impact and when they presented to the county they left it out of the area of impact which means they are not making future land uses for this, they don't see this as an area they are moving into at this time.

Commissioner Holton said that with this information it makes it easier because their argument to keep their quality of life has won out against the City of Nampa bringing them into the area of impact.

Commissioner Van Beek spoke about how they are entitled to have a secondary structure but it puts the Board in an awkward position by rezoning.

Commissioner Brooks spoke to criteria no. 4, stating that in his opinion, looking strictly at the subdivision it will negatively affect the character of the area. Commissioner Holton concurred with this opinion.

Commissioner Van Beek made a motion that based on the findings of fact and conclusions of law that the Board amends condition no. 5 to a positive finding that adequate irrigation will be provided to accommodate the request but that we [the Board] were unable to overcome the zoning reclassification and that we [the Board] deny case no. CR2022-0032 a conditional rezone of parcel R29303251 from “A” Agricultural zone to “CR-R-1” Conditional Rezone – Single-Family Residential based on the county’s ordinance and the deliberation process. The motion was amended to include specifically criteria points nos. 2 and 4. The motion was seconded by Commissioner Brooks and carried unanimously.

A motion was made by Commissioner Brooks to adjourn the meeting, the motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 4:23 p.m. and an audio recording is on file in the Commissioners’ Office.

#### JULY 2023 TERM

CALDWELL, IDAHO JULY 27, 2023

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- SHI in the amount of \$274,193.98 for the Information Technology Department (PO #5699)
- SHI in the amount of \$62,335.38 for the Information Technology Department (PO #5700)
- LN Curtis in the amount of \$14,834.75 for the Sheriff’s Office (PO #5709)
- Bollards Plus in the amount \$1,188.80 for the Facilities Department (PO #5660)

#### EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(D) AND (F) REGARDING RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:04 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with the County’s legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. A vote was taken on the motion with Commissioners Holton, Van Beek, and Brooks 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, Deputy PA Oscar Klaas, COO Greg Rast, DSD Director Sabrina Minshall, DSD Office Manager Jennifer Almeida, Code Enforcement

Supervisor Eric Arthur, and Code Enforcement Officer Katie Phillips. The Executive Session concluded at 9:45 a.m. with no decision being called for in open session.

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

The Board met today at 9:45 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, Deputy P.A. Oscar Klaas, Deputy P.A. Alex Klempel, Cpt. Chuck Gentry, Cpt. Ray Talbot, other CCSO command staff, Facilities Director Rick Britton, Elections Specialist Brandi Long (left at 9:50 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider Resolution Designating Polling Locations for the August 29, 2023 Election:*** Brandi Long explained that the only submission they've received for the August 29<sup>th</sup> election was from the Vallivue School District. 13 locations will be available for voting, all of which are ADA accessible with curbside voting will be available. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution designating polling locations for the August 29, 2023 election (see resolution no. 23-188).

***Consider Resolution Approving Award of Officer's Badge and Duty Weapon:*** Deputy Foulk has worked mainly in financial crimes for the past 26 years. The Board expressed their appreciation for his years of service and upon the motion of Commissioner Van Beek and second by Commissioners Brooks the Board voted unanimously to sign the resolution approving award of officer's badge and duty weapon to Deputy Foulk (see resolution no. 23-189)

***Start Selection Process for Architecture/Engineering Services and CM/GC Services for the Canyon County Sheriff's Office Building Project:*** The following submissions were received for each project:

##### CM/GC Services:

- Beniton Construction – received July 26, 2023 at 10:38 a.m.
- ESI – received July 26, 2023 at 8:12 a.m.
- Okland Construction – received July 26, 2023 at 2:14 p.m.
- Petra General Contractors – received July 27, 2023 at 8:11 a.m.

##### Architecture/Engineering Services:

- ZGA Architects and Planners – received July 26, 2023 at 4:06 p.m.
- Cushing Terrell – received July 27, 2023 at 8:01 a.m.
- Schlager Zimmerman Architects – received 26, 2023 at 4:04 p.m.
- CSHQA – received July 26, 2023 at 3:40 p.m.
- Hummel Architects – received July 26, 2023 at 4:55 p.m.
- Lombard Conrad Architects – received July 27, 2023 at 8:40 a.m.

All of the submissions will be reviewed and ranked by Director Britton along with other committee members and, if necessary, interviews can be conducted.

The meeting concluded at 9:54 a.m. and an audio recording is on file in the Commissioners' Office.

#### TAX DEED HEARING

The Board met today at 10:30 a.m. to consider the issuance of tax deeds and consider an action item. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy PA Alex Klempel, Deputy PA Oscar Klaas, COO Greg Rast, Jose Padilla, Delia Gonzales from Idaho Legal Aid, Scott and Eric Grenander, other interested citizens, and Deputy Clerk Monica Reeves. Treasurer Lloyd explained the process her office goes through when working on the 2019 delinquent properties and how they contacted property owners to get their delinquent taxes paid. There are 12 parcels that have not been paid, and one of the delinquent parcels was discussed by the Board on Monday and it is addressed in the findings of fact and conclusions of law that will be considered today. Jose Padilla, who lives at 14160 Carolina Street in Caldwell, attended today's hearing and requested more time before his property goes to tax deed. He just learned of this issue not long ago because his caretaker left things outstanding, and he needs more time to seek assistance. Delia Gonzales from Idaho Legal Aid is here to assist Mr. Padilla and she is trying to connect him to resources for housing assistance. Following discussion, the Board decided to delay action on Mr. Padilla's property until September 25, 2023, and prior to that date, Mr. Padilla will complete a hardship application and provide the required financial information for consideration by the Board. Scott Grenander and Eric Grenander attended today's hearing and said they made a payment this morning. Treasurer Lloyd said the property is no longer on the list for consideration for tax deed. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to amend the findings to include language that allows Mr. Padilla to have until September 25, 2023 file a hardship application with the assistance of Idaho Legal Aid, and to also approve the remainder of the findings as drafted by Legal. The following properties are delinquent:

<b>PARCEL:</b>	<b>ADDRESS</b>	<b>AMOUNT DUE:</b>
01955000 0	305 E. Elgin Street, Caldwell	\$700.24
02530525 0	214 Phoenix Lane, Caldwell	\$1,343.60
07172000 0	1710 Blaine Street, Caldwell	\$5,171.08
09230513 0	1231 Eldoran Dr., Nampa	\$3,725.96
24418000 0	N. Middleton Road, Nampa	\$483.38
30729012 0	0 Amity Avenue, Nampa	\$561.94
31135103 0	3557 E. Comstock Ave., Nampa	\$1,460.19
35988000 0	0 Howe Road, Caldwell	\$186.06
39287011A0	24771 Canal Road, Parma	\$610.21
39444010 0	Hwy 95, Parma	\$538.20

06182159 0                      14160 Carolina Street, Caldwell                      \$3,068.40

*\* Board granted an extension for this parcel to allow owner to complete a tax cancellation application.*

29096317 0                      3600 E. Wicklow Ave., Nampa                      \$1,190.45

*\* Board will decide by September 25, 2023 whether to grant the pending tax cancellation application.*

The hearing concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER ACTION ITEMS

The Board met today at 10:50 a.m. to consider the Construction Agreement with Central Paving Co. Inc. for Landfill Beautification Hardscaping Project, and the software-related agreements with Microsoft and SHI. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Landfill Director David Loper, Deputy PA Alex Klempel, Deputy PA Oscar Klaas, COO Greg Rast, Assistant IT Director Eric Jensen, and Deputy Clerk Monica Reeves. The items were considered as follows:

##### ***Construction Agreement with Central Paving Co. Inc. for Landfill Beautification Hardscaping***

***Project:*** The contract has been reviewed by Legal. The cost is \$326,000 and includes ribbon curbing. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the construction contract as per the information provided by Director Loper. (Agreement No. 23-084.)

**Consider Software-Related Agreements with Microsoft and SHI:** Deputy PA Klempel said there are two licensing agreements; one is for server and cloud storage and the other is the enterprise agreement. COO Rast said it is a tri-annual agreement with Microsoft where they go through negotiations every three years that locks in pricing and they buy as needed. The price was negotiated down from \$495,000 a year to \$326,529.36. We do not have to go through a competitive bid process because the State of Idaho's purchasing department already does a pre-negotiation contract for a certified vendor. SHI is the preferred vendor through the state for the software purchasing. The cost has been broken into two purchase orders to take advantage of discounts, one is for the server and cloud systems, and the other is for software and on-prem workstation licensing. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the Microsoft agreements for enterprise enrollment and service, and cloud enrollment with SHI. The first purchase order is for \$62,335.38, and the second one is for \$274,193.98. (Agreement Nos. 23-082 and 23-083.) The meeting concluded 10:58 a.m. An audio recording is on file in the Commissioners' Office.

#### PICKLES BUTTE LANDFILL EXPANSION PRESENTATION, SUBMITTING DESIGN APPLICATION TO THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

The Board met today at 11:05 a.m. for a presentation on the Pickles Butte Landfill expansion. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Controller Zach Wagoner, Landfill Director David Loper, COO Greg Rast, Maureen McGraw with Tetra-Tech and Deputy Clerk Jenen Ross. A PowerPoint presentation was provided by Ms. McGraw and Director Loper which reviewed the Landfill expansion process. A copy of the PowerPoint is on file with this day's minutes. The meeting concluded at 11:54 a.m. and an audio recording is on file in the Commissioners' Office.

#### CONSIDER A NEW ALCOHOLIC BEVERAGE LICENSE FOR GRIT

The Board met today at 3:59 p.m. to consider a new alcoholic beverage license for Grit. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy Clerk Jenen Ross. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the new alcoholic beverage license for Grit (see resolution no. 23-190). The meeting concluded at 4:00 p.m. and an audio recording is on file in the Commissioners' Office.

#### EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B), (D) AND (F) REGARDING PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 4:02 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 enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy P.A. Oscar Klaas, Judge Davis VanderVelde (left at 4:24 p.m.), Interim TCA Benita Miller (left at 4:24 p.m.), Director of Court Operations Jess Urresti (left at 4:24 p.m.), DSD Director Sabrina Minshall (joined at 4:25 p.m.), Code Enforcement Supervisor Eric Arthur (joined at 4:25 p.m.) and DSD Office Manager Jennifer Almeida (joined at 4:25 p.m.). The Executive Session concluded at 5:00 p.m. with no decision being called for in open session. Commissioner Brooks made a motion to adjourn the meeting. The motion was seconded by Commissioner Van Beek and carried unanimously. An audio recording is on file in the Commissioners' Office.

JULY 2023 TERM  
CALDWELL, IDAHO     JULY 28, 2023

#### APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Craft Lounge to be used 8/16/23 and Raising Our Bar to be used 8/5/23, 8/12/23, 8/19/23, 8/24/23, 8/25/23, 8/26/23 and 8/31/23.

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Linda Ellis, Fair Admissions Supervisor; Stephen Engel, Deputy Sheriff, Inmate Control; Rider Hoffer, Heavy Equipment Operator; and Antanacio “Nacho” Montes.

#### FILE TREASURER’S MONTHLY AND QUARTERLY REPORTS

The Board filed the Treasurer's Monthly Report for June 2023, and Quarterly Report April 1, 2023 through June 30, 2023.

#### 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.

#### EXECUTIVE SESSION, PURSUANT TO IDAHO CODE, SECTION 74-206 (1) (B) AND (D) REGARDING PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Brooks made a motion to go into Executive Session at 11:12 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross 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, Director of DSD Sabrina Minshall, HR Generalist Jennifer Allen and COO Greg Rast. HR Director Kate Rice arrived at 11:25 a.m. The Executive Session concluded at 12:22 p.m. with no decision being called for in open session.

#### ACTION ITEM: CONSIDER AMERICAN RESCUE PLAN ACT OF 2021 SUBAWARD AGREEMENT BETWEEN CANYON COUNTY AND CANYON COUNTY AMBULANCE DISTRICT

The Board, sitting as the Board of County Commissioners and the Board of Ambulance District Commissioners, met today at 1:15 p.m. to consider the American Rescue Plan Act (ARPA) of 2021 Subaward Agreement Between Canyon County and Canyon County Ambulance District. Present were: Commissioners Brad Holton and Zach Brooks, Ambulance District Director Michael Stowell

Ambulance District employees LeAnn Axe and Vanessa Quist, COO Greg Rast, Deputy PA Zach Wesley, Clerk Chris Yamamoto, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Director Stowell came before the Board on March 9, 2023 to ask for fiscal recovery funds and project proposal form to purchase six new ambulances so they could retire six of the aging fleet. The Board said the district could move forward and they went through the process with Legal and today is the final agreement that can be signed to move the funds. Once they place the order the ambulances are 530 days out. Deputy PA Wesley said the agreement was prepared by the County in order to facilitate the distribution of ARPA funds to the ambulance district as a subrecipient under the County. He has worked extensively with the legal counsel for the district and said the County has everything it needs from a legal perspective and what the requirements of the district will be as far as reporting. He recommended the Board adopt the funding agreement first as the ambulance district board and the Board of Canyon County Commissioners and then move to the purchase agreement. Following discussion, Commissioner Brooks made a motion to approve and sign the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds Subaward Agreement between Canyon County and the Canyon County Ambulance District. The motion was seconded by Commissioner Holton and carried unanimously. (Agreement No. 23-085.) **Ambulance District Board:** Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board of Ambulance District Commissioners voted unanimously to approve and sign the agreement between the Canyon County Ambulance District and Braun Northwest, Incorporated, for the purchase of six ambulances. *Ambulance District staff maintains the records associated with this agreement.* Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to adjourn the meeting. The meeting concluded at 1:24 p.m. An audio recording is on file in the Commissioners' Office.

#### HUMAN RESOURCES TO PRESENT THE FY2024 COMPENSATION PLAN

The Board met today at 1:34 p.m. for the HR Department's presentation of the FY2024 compensation plan. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, HR Director Kate Rice, Wage and Compensation Analyst Bosco Baldwin, COO Greg Rast, Clerk Chris Yamamoto, Controller Zach Wagoner, Chief Deputy Assessor Joe Cox, Facilities Director Rick Britton, HR Generalist Jennifer Allen, HR Generalist Cindy Lorta, HR Investigator Rich Soto, Court Training and Development Manager Raena Bull, and Deputy Clerk Monica Reeves. Mr. Baldwin said the last time he met with the Board they went through the whole compensation program where they identified what the wage ranges would be and at the time the Board charged him with meeting with each elected official and department administrator about the impact to their specific departments. Today he gave a presentation showing the approved wage grades that were put into place. A few weeks ago, he collaborated with COO Rast and created a 12-year fixed staircase compensation program because this type of a staircase program has been in place historically and it was felt people would appreciate incorporating that same philosophy to the new structure that they brought. He gave an example with the new staircase program showing the grade and a range for each level within grade 11. Each level is separated by 2.72%. It's a fixed amount for all grades.

What are our market competitors are proposing?

- Boise - 3% + 3.5% COLA
- Nampa - 2% merit + 4% COLA
- Caldwell - 5% COLA; they do not yet know what they will do for merit
- ADA - 3% merit + \$1 an hour. Total increase is predicted to be \$11.3M
- Meridian - 2.5% merit + COLA to be determined
- State of Idaho - 4% merit

Going back to the new pay structure that was approved at the last meeting, they needed to bring people back that are under the minimum of each of the wages to the minimum of those wages. It brings all employees to the minimum of each of their grades. There were 45 employees who were brought up to the minimum of their paygrades, and it includes 4 market adjustments for individuals identified as being significantly below others in the market.

HR is offering two different options for the BOCC to consider:

### **Option A**

HR recommends applying a single level, 2.72%, plus a sliding scale market adjustment to the new base wage for all employees. The total cost to implement Option A is \$1,650,677.30 or 3.83% increase.

Costs that are built in to that dollar amount:

For one level increase, it's a 2.72% increase which results in an overall increase of 2.6%, or \$1,117,875.15, and the reason for that is that we are managing this to where when people exceed the max of the wage range we freeze their pay. There were 21 individuals who are either over that max rate or would be over that max rate as we apply some of these figures. That will be their pay until such time that the ranges get moved.

HR is proposing a sliding scale market adjustment designated to provide employees in grades 11 through 14 a 1.5% increase; grades 15-17 a 1% increase; and grades 18+ along with elected officials a half percent increase. In total, this market adjustment would lead to an increase of \$532,843.29.

### **Option B**

HR recommends applying a flat 3% increase to the new base wage for all eligible employees. Executing this option would lead to an increase of \$1,117,875.15, or 2.6%. The reason why 3% doesn't equal 2.6% is because there are 21 people who have their wages frozen. The reason the program was put into play is because we are striving to become an employer of choice within the Treasure Valley and as part of our strategy to achieve this goal we are committed to providing a total compensation program that rewards all employees with a competitive wage and benefit package.

HR's next step is to socialize the new program with whatever option the Board chooses to the employees and then through the course of FY2024 they will look at the compensation equity issues for each classification to make sure there is nothing that's been missed. They will also work on updating all job descriptions for the County so that this process becomes better when measuring apples to apples at other counties and so forth.

COO Rast said on Option A we have \$1,650,677.30 - that is salary, it does not include benefits. If we take a conservative 40% benefits on Option A that is roughly \$2.3M. HR Director Rice said it wouldn't change the cost of medical insurance, there might be a slight increase in life insurance costs and PERSI costs. Mr. Baldwin said it would be a percentage of the 2+ percentage.

Commissioners Holton, Van Beek and Brooks support Option B.

Commissioner Holton said it's a clear plan and we can choose to look at the different steps. Commissioner Van Beek said the Board is intricately involved with the budgeting process and has a chief operating officer who understands the budgeting process and has been instrumental in compensation plans and has assisted Mr. Baldwin. What was difficult about last year is that there were surprises, there were numbers that had not been vetted that were coming forth at the Board as a first time. The Board's job is to balance the employees, which we value and appreciate, and compensation is a big part of that as well as the culture which is on the upswing at Canyon County. We are trying to be an employer of choice and a leader in the state and to offer something like this is fair to the taxpayer and fair and rewarding to the employees. Mr. Baldwin said last year even with the big increase that was taken that did not make Canyon County a top payer in the public sector, we were just competitive. It's better to take small bites as opposed to getting behind and taking big bites later to catch up. We should run at a set pace and see where that takes us and if we need to adjust along the way then we do those too, but we create the process and structure to do that. Commissioner Holton said he wanted it measurable and repeatable, and defensible and he thinks HR has presented a plan the Board can move forward with. No plan is perfect, but at least we have the foundation that if we have to modify or edit parts we have the basis to do that and know with reason why and how to do that. HR Director Rice said because we have a significant amount of specialty pay, lead pay, and other kinds of bolt-ons to base pay, Mr. Baldwin did a lot of work to determine what truly is the base pay and these numbers are to be paid on base pay only. Specialty pay could in essence be added back in, but we are looking at an adjustment to base pay only, not adding any of these options. There is Board consensus to go with Option B. The meeting concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

JULY 2023 TERM  
CALDWELL, IDAHO JULY 31, 2023

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CDW in the amount of \$1,864.01 for the Information Technology Department (PO #5701)
- Starlink in the amount of \$2,700.00 for the Information Technology Department (PO #5644)

#### APPROVED CLAIMS

- The Board has approved claims 596997 to 597054 in the amount of \$73,986.69

#### APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for Holland's Bites & Brews to be used 8/6/23 and 8/11/23; Three Girls Catering to be used 8/12/23; and County Line Wine to be used 8/26/23.

#### APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved employee status change form for Janet LaMont, Drug Testing Technician.

#### MEETING WITH THE CALDWELL URBAN RENEWAL AGENCY BOARD

The Board met today at 2:06 p.m. with the Caldwell Urban Renewal Agency Board. Present were: Commissioners Brad Holton and Zach Brooks, Chief Civil Deputy PA Carl Ericson, Deputy PA Alex Klempel, Deputy PA Laura Keys, Caldwell Urban Renewal Agency Board Chair Jim Porter, Caldwell City Councilmember Brad Doty, Attorney Mark Hilty, COO Greg Rast, Chief Deputy Assessor Joe Cox, Treasurer Tracie Lloyd, Chief Deputy Treasurer Jennifer Watters, Clerk Chris Yamamoto, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Commissioner Brooks is a member of the Caldwell Urban Renewal Agency Board and the board is interested in having a discussion about penalties, interest, and fees on properties within the agency's boundaries and potentially getting a share. Mark Hilty said in July he prepared a statutory analysis and sent it to Deputy PA Zach Wesley, and there was subsequent a district court decision on this issue as it pertains to taxing districts. His reading of the law talked about the statutes that bear on what increment is, and how its determined from general tax revenues and how it's distinguished from the base assessment. There is a statutory calculation in the economic development act that says you take out the base assessment role and everything else goes to the urban renewal agency as increment for those properties that are within the reallocation area. The agency's position has been that those monies have not been accounted for since 1998 which was when the current area was formed and they have not been paid over and the agency feels like that should have happened. It seems there was an internal County decision in the 1990's that the fees, penalties, and interest would not be transferred to the urban renewal agency. Mr. Hilty said he hasn't had any response, counterpoints, or argument provided back to him that he's analyzed it wrong and he wants to know how we move forward? Treasurer Tracie Lloyd said when the first urban renewal agency was formed in Nampa in the 1990's, it was evident that an urban renewal agency is not a taxing district; the law is clear that the taxing districts get penalties and interest and therefore they were

not turned over. Anytime there is a fee that's added, the only fees that are added after the tax roll is charged is a fee that is reimbursable to the County. Fees are not a part of this equation in her mind as they are costs incurred by the County. She said penalties and interest was retained by the County because that's how it was set up in the beginning with the very first urban renewal agency. Chief Civil Deputy Ericson said Deputy PA Wesley has mentioned some of the issues briefly in the office but that is something he has been handling so the other attorneys are not up to speed on the issues as to what his legal analysis was. Deputy PA Klempel said she's not sure Deputy PA Wesley has spoken to his clients about his legal analysis and generally they would share it with their clients before sharing it with opposing legal counsel. Chief Ericson said today's meeting is a listening opportunity for them rather than being active participants because Deputy PA Wesley was not clear on what was going to be addressed and how it needed to be addressed. Mr. Hilty said their position under the law is those funds should not have been withheld. He understands Treasurer Lloyd's point about the fees and said she may be right. Penalties and interest are probably more what they are talking about and it is the agency's position that those funds, starting in 1998 with the formation of Caldwell East Urban Renewal Area which is in the process of sunseting, should have been paid. There is a new north area that is in its infancy but as time goes by we can expect to see some delinquent taxes and this will become an issue. We don't have an accounting of what those penalties and interest were on the increment the last 20 years but they think it's significant, perhaps a half million dollars or more. Chief Ericson said the issue of a taxing district being treated differently from an urban renewal agency is an issue that should be straightforward to figure out. The Kootenai County case opinion was issued 3-4 weeks ago and it could be appealed; the Court ruled that the taxing districts were entitled to receive their proportionate share of the penalties and interest collected by the County but that's all we know at this point. Mr. Hilty said of the total penalties and interest there were be a proportionate share that would be for the base assessment and a share of the increment. They are only looking for an accounting of the penalties and interest proportional to the increment. Brad Doty said going forward they are looking for a resolution because of the new 20-year urban renewal and because they need to figure out what's going on and where they are headed. Commissioner Holton said the Board will need to review Mr. Hilty's letter and meet again. Chief Ericson said Legal will discuss it in Executive Session. The meeting concluded at 2:25 p.m. An audio recording is on file in the Commissioners' Office.

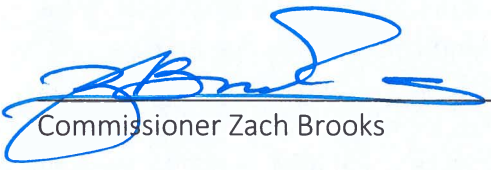
THE MINUTES OF THE FISCAL TERM OF JULY 2023 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this 10<sup>th</sup> day of October, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Commissioner Leslie Van Beek

  
\_\_\_\_\_  
Commissioner Brad Holton

  
\_\_\_\_\_  
Commissioner Zach Brooks

ATTEST: CHRIS YAMAMOTO, CLERK

By: J Ross, Deputy Clerk