

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 1, 2024

No meetings were held today.

APPROVED CLAIMS

- The Board has approved claims 604222 to 604263 in the amount of \$86,960.09
- The Board has approved claims 604264 to 604267 in the amount of \$1,043.16

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 2, 2024

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- DEC Enterprises to be used on 6/22/24
- Barley Pops to be used on 4/27/24
- Raising Our Bar to be used on 4/24/24
- Barley Pops to be used on 4/20/24
- The End Zone to be used on 4/12/24

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Police Service Dog, Inc in the amount of \$14,000 for the Sheriff's Office (PO #5841)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Justin Freeman, Weed and Pest, temporary position
- Shanell Stiles, Juvenile Probation Officer, new hire
- Shalayna Norman, Weed and Pest, temporary position
- Arbay Mberwa, DSD Associate Planner, new hire
- Janet Mills, Customer Service Specialist, change of supervisor
- Ryki Bowen, Customer Service Specialist, temporary assignment from Motor Vehicle to Reappraisal
- Rebecca Brumbelow, Customer Service Specialist, temporary assignment from Motor Vehicle to Reappraisal

APPROVE ALCOHOLIC BEVERAGE LICENSE RENEWAL

The Board approved the following alcoholic beverage licenses for renewal:

- Red Brick, LLC dba Vape (Resolution No. 24-044)

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

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley (arrived at 9:32 a.m. and left at 9:55 a.m.), Deputy P.A. Laura Keys (left at 9:55 a.m.), Solid Waste Director David Loper (left at 9:36 a.m.), DSD Director Sabrina Minshall (left at 9:43 a.m.), Assistant Director of DSD Jay Gibbons (left at 9:43 a.m.), Interim HR Director Rick Soto (left at 10:27 a.m.), COO Greg Rast, Hubert Osborn (left at 9:55 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a Resolution Increasing the Fees Charged at the Pickles Butte Sanitary Landfill for Certain Materials and Establishing Fees for Certain Services: A public hearing was held last week but no comments were received. Director Loper recognized that 60-days prior to the start of the new fiscal year, October 1, 2024, there are some noticing requirements that will need to be fulfilled by the landfill staff. At the request of Commissioner Van Beek, Director Loper spoke generally about waste haulers operating within Canyon County. Commissioner Brooks made a motion to sign the resolution increasing fees charged at the Pickles Butte Sanitary Landfill for certain materials and establishing fees for certain services. The motion was seconded by Commissioner Van Beek and carried unanimously (resolution no. 24-041).

Consider Renewal No. 4 to Master Agreement for Professional Engineering Services between Canyon County and Keller Associates:

Consider Renewal No. 1 to Master Agreement for Professional Engineering Services between Canyon County and Centurion Engineers, Inc.:

Mr. Gibbons explained that the county has contracted with private consultants for several years and both of these contracts are renewed annually. These companies will only be used as back-up to the in-house services on an 'as-needed' basis. The agreement with Keller and Associates had a slight increase from previous years but Centurion did not have an increase; both agreements expire at the conclusion of the fiscal year. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign renewal no. 4 to the master agreement for professional services with Keller Associates (agreement no. 24-028) and renewal no. 1 to master agreement for professional engineering services with Centurion Engineers, Inc. (agreement no. 24-029).

Discussion ensued regarding impact fees which is a continuation of the questions asked by the Board at last Thursday's legal staff meeting. In regard to the question about going thru a formal interview process to appoint committee members, the answer is no, there is no formal process required.

Addressing the question about individual districts bypassing the Canyon County Impact Fee Committee and going directly to the BOCC, Mr. Wesley explained there have been changes to the law governing impact fees in 2021 and 2023 that have influenced the way it would work now vs. how it was initially established. When originally established, the BOCC at that time instructed individual districts to create their own committees and then bring the information to the county for the fees to be considered. The county eventually ended up establishing an impact fee committee with the idea that it would be a 'master committee' over the smaller impact fee committees from the districts. At that time the county also had an interest in potentially exploring county-wide impact fees for public safety so the committee was created as a county entity with the idea that was something the county would take up at some point. Canyon Highway District No. 4 did not have their own committee and utilized the county's committee in 2022 and to Mr. Wesley's knowledge that is the last time that committee met formally. The last he heard about the committee was that Rick Hogaboam was working to get the committee reorganized but that was prior to his appointment as Clerk. Mr. Wesley believes that there probably need to be an update; with 2023 changes to the laws which would now make separate impact fee committees for the districts more of a necessity. When the committees were initially established, there were just basic residency requirements and for involvement in the development community but since changes were made to the law in 2023, committee members must reside within their district which may make it more difficult to find people to participate, especially in the smaller fire districts. Committee membership would need to meet all the district requirements, whatever the boundaries are, that potentially could be the Nampa Impact committee or their membership if it meets the criteria. There also needs to be a CIP for that whole area if the county wants to match Nampa's fee. The CIP that was adopted for the rural fire district was limited to the original Nampa fire district boundary and service area and not the entire city fire district as it now exists; that would need to be updated, go thru the committee that's appointed and a recommendation made to the Board before it's officially updated. Mr. Wesley addressed a question from Commissioner Van Beek, stating that based on the intergovernmental agreements that are now in place with the fire districts, they have their own committees that they maintain and they are supposed to pass a recommendation to the county's committees, however, the highway district just uses the county's committee. Mr. Ericson said that might not work because there is now a need to have specific residency within the district so the overall county district wouldn't really function anymore as the highway district committee. Based on a question from Commissioner Brooks, Mr. Wesley said members could be recruited administratively and then formalized on the record via resolution. Additionally, it was noted that there should be an annual report with CIP updates to evaluate if the needs have changed.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:55 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. Commissioner Van Beek took a roll call vote where she along with Commissioner Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Oscar Klaas, Interim HR Director Rick Soto (left at 10:27 a.m.) and COO Greg Rast. The Executive Session concluded at 10:31 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.

CONSIDER SIGNING FCO'S FOR CASE NO. CR2023-0008 FOR ZION VENTURES, LLC

The Board met today at 10:32 a.m. to consider signing FCOs for case no. CR2023-0008 for Zion Ventures, LLC. Present were: Commissioners Leslie Van Beek and Zach Brooks, Principal Planner Dan Lister, COO Greg Rast and Deputy Clerk Jenen Ross.

Mr. Lister explained this case came before the Board on March 19, 2024 which concluded in a unanimous vote of denial where the Board instructed staff to amend the findings. Additional information was added to items 5 and 6 which had to do with appropriate facilities and traffic, there was not enough evidence to support that so staff amended the findings to state that until services reach that area and improvements to 20/26 are done it will be impactful to traffic and there will not be adequate facilities for that use. The rest of the findings remain unchanged. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the FCOs for case no. CR2023-0008, Zion Ventures LLC. The meeting concluded at 10:34 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:46 a.m. to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, COO Greg Rast and Deputy Clerk Jenen Ross.

Commissioner Brooks said he has reviewed both applications and everything seems to be in order.

Consider a resolution granting a new alcoholic beverage license to The Bank Bar LLC dba The Bank Bar: Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the resolution granting a new alcoholic beverage license to The Bank Bar LLC dba The Bank Bar (resolution no. 24-042).

Consider a resolution granting a new alcoholic beverage license to The Twisted Fig LLC dba The Twisted Fig: Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the resolution granting a new alcoholic beverage license to The Twisted Fig LLC dba The Twisted Fig (resolution no. 24-043).

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

CONSIDER RESOLUTION APPROVING CHANGES TO THE ELECTIONS OPERATIONS SUPERVISOR JOB TITLE, JOB DESCRIPTION, SALARY RANGE, AND FLSA STATUS

The Board met today at 2:20 p.m. to consider a resolution approving changes to the Elections Operations Supervisor job title, job description, salary range and FLSA status. Present were: Commissioners Leslie Van Beek and Zach Brooks, Clerk Rick Hogaboam, HR Business Partners Kendra Elgin and Anna Gray, COO Greg Rast and Deputy Clerk Jenen Ross.

Clerk Hogaboam explained that this is an adjustment based on the separation of an employee who occupied the Elections Operations Supervisor position. This resolution will re-grade that position to an Elections Specialist position. Currently there is an Elections Specialist position open so this will allow for the hiring of two people. Additionally, Ms. Hicks, who is currently the Elections Operations Office Manager, will functionally be overseeing the elections office. At a later time, they anticipate cleaning up Ms. Hicks title and job description to more clearly reflect the job being done.

Clerk Hogaboam spoke about some of the ways they are working to temporarily fill staffing needs in the election's office.

Commissioner Van Beek made a motion to sign the resolution approving the changes to the Elections Operations Supervisor title, job description, salary range and FLSA status noting that on the high-end this is a reduction of \$32,000. The motion was seconded by Commissioner Brooks and carried unanimously (resolution no. 24-045).

The meeting concluded at 2:25 p.m. and an audio recording is on file in the Commissioners' Office.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 3, 2024

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Elizabeth (Annie) Hobby, Limited License Deputy Public Defender, New hire
- Robert Villegas, Deputy Judicial Marshal, Rehire

APPROVED PURCHASE ORDERS

The Board approved the following purchase order:

- Caxton in the amount of \$6265.60 for the Juvenile Probation department (PO #5996)

MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES: 63-602P, 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

The Board met today at 9:32 a.m. with the Assessor's Office to consider granting new and renewing property tax exemptions. Present were: Commissioners Leslie Van Beek and Zach Brooks, Assessor's Office Business Manager Jennifer Loutzenhiser, Assessor's Office Administrative Analyst Helena Thompson and Deputy Clerk Jenen Ross.

The following exemptions were granted last year; they have been reviewed by the Assessor's Office and they see no reason not to grant them again this year.

50-2014 – Urban Renewal

13415000 0 Nampa Development Corp
13601000 0 Nampa Development Corporation
13415011 0 Nampa Development Corp
04654000 0 Urban Renewal Agency of The City of Caldwell Idaho
04655000 0 Urban Renewal Agency of The City of Caldwell Idaho
04591000 0 Urban Renewal Agency of The City of Caldwell Idaho
04637000 0 Urban Renewal Agency of Caldwell
04638000 0 Urban Renewal Agency of The City of Caldwell Idaho
04551000 0 Urban Renewal Agency of Caldwell City
04552000 0 Urban Renewal Agency of Caldwell City

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the tax exemptions.

63-602B – Religious

61111005 0 KTSY Radio Station
04152000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
29411100 0 Corp Of Presiding Bishop
34356011 0 Corp Of Presiding Bishop-Church of Jesus Christ of LDS
34366201 0 Corp Of Presiding Bishop-Church of Jesus Christ of LDS
32419253 0 Corp Of Presiding Bishop-Church of Jesus Christ of LDS
34443011a0 Corp Of Presiding Bishop Church of Jesus Christ of LDS
29179000 0 Corp Of Presiding Bishop
32900101 0 Corp Of Presiding Bishop Of
34324000 0 Corp Of Pres Bis Of the Church of Jesus Christ of LDS
25279000 0 Corp Of Pres Bis Of the Church of Jesus Christ of LDS
25279010 0 Corp Of Presiding Bishop Of
14926000 0 Corp Of Presiding Bishop
00631000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
00632000 0 Corp Of Presiding Bishop of Jesus Christ of LDS

01367000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
01368000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
01369000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
01379000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
04100010a0 Corp Of Presiding Bishop of Jesus Christ of LDS
08988000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
19148000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
16101000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
16195000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
14096000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
38686011a0 Corp Of Presiding Bishop of Jesus Christ of LDS
34349100 0 Corp Of Presiding Bishop of Jesus Christ of LDS
34513011 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33912000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33945011 0 Corp Of Presiding Bishop of Jesus Christ of LDS
32558010 0 Corp Of Presiding Bishop of Jesus Christ of LDS
32566010 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33388000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33395010 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33400010 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33401000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33408000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33409000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33472000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
33483000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
28688000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
24709010 0 Corp Of Presiding Bishop of Jesus Christ of LDS
29729000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
29336013a0 Corp Of Presiding Bishop of Jesus Christ of LDS
25279011 0 Corp Of Presiding Bishop of Jesus Christ of LDS
20155000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
20157000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
23934019 0 Corp Of Presiding Bishop of Jesus Christ of LDS
32041010 0 Corp Of Presiding Bishop of Jesus Christ of LDS
32400000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
30666011 0 Corp Of Presiding Bishop of Jesus Christ of LDS
31065000 0 Corp Of Presiding Bishop of Jesus Christ of LDS
31355010 0 Elysian Church of God No 10953
02815545 0 NW District Bible Missionary Church
01112011 0 Jehovahs Witnesses Inc N Caldwell Congregation
26436000 0 Jehovahs Witnesses Nampa East Congregation
26438000 0 Jehovahs Witnesses Inc Nampa East Congregation
19192000 0 Parma Ch Of the Nazarene
24563000 0 First Southern Baptist Church of Caldwell Inc

08588000 0 Good News Community Church Inc
31064106 0 Cross of Christ Evangelical Lutheran Church Inc
34174000 0 Franklin Community Ch Inc
00330000 0 First Regular Baptist Inc
15216000 0 Southern Idaho District Council of The Assemblies of God
35080000 0 Evergreen Heights
13817000 0 First Church of The Nazarene
13891000 0 First Church of The Nazarene
09824000 0 First Church of The Nazarene
09825000 0 Nampa First Church of The Nazarene
09845000 0 First Church of The Nazarene
09846000 0 First Church of The Nazarene
14950550 0 Nampa First Church of The Nazarene
11134000 0 Greater Life Church Inc
11133000 0 Greater Life Church Inc
02016000 0 Assembly of God Ch Central Latin American Dist. Council
02033000 0 Spanish Assemblies of God Church Rosa De Saron
35436000 0 First Friends Church of Caldwell Inc
17042000 0 Church of The Brethren
17047000 0 Bowmont Ch Of the Brethren
17048000 0 Bowmont Ch Of the Brethren
33715011 0 Homedale Church of Nazarene
38749010 0 Launch Pad Parma
19565000 0 Revival Center Ch Inc
35252000 0 Salt and Light Radio Inc
32097010 0 New Hope Baptist Church Inc
14990002 0 West Valley Baptist Church Inc
04865000 0 Antioch Miss Baptist Ch
32923000 0 Followers of Christ Inc
32918000 0 Followers of Christ
00087000 0 New Life Bible Fellowship Inc
05176000 0 Cp Reformed Church Inc
33670010 0 Homedale Friends Comm Church
37012000 0 Free Holiness Church
37021000 0 Free Holiness Church
16765000 0 Nampa Ch Of Christ
28615014 0 Assemblies of God S Id Dist.
11081000 0 Nampa 1st Southern Bapt. Ch
08807000 0 Apostolic Way Inc
37691000 0 Sandhollow First Baptist
38996000 0 First Baptist Church of Roswell
12798000 0 Apostolic Assembly of Faith in Jesus Christ Inc
01772000 0 Calvary Chapel Caldwell Inc
78097000 0 Wesleyan Holiness Church

16040000 0 Wesleyan Holiness Ch of Na
 13611000 0 International Church of The Foursquare Gospel
 01577000 0 Church of God Apostolic of Id
 34536000 0 Faith Journey Church Inc
 08833000 0 Ch Of the Nazarene
 29261011 0 General Assembly and Church of The First-Born Inc
 19940000 0 Iglesia Evangelica Mexicana De Wilder Inc
 15426010 0 Olivet Assembly Inc
 13715000 0 Olivet Assembly Inc
 13718000 0 Olivet Assembly Inc
 14656000 0 Grace Tabernacle Inc
 36264000 0 Greenleaf Friends Church
 36263010 0 Greenleaf Friends Church
 36241000 0 Greenleaf Friends Ch
 36242000 0 Greenleaf Friends Ch
 04513102 0 Church of God Inc
 09013000 0 The Church of The Rock Inc
 09006000 0 The Church of The Rock Inc
 29233000 0 Bethel Ch Of the Nazarene
 08712000 0 Ch Of God Prophecy
 15216010 0 Jehovahs Witnesses Nampa Id Inc Lake Lowell Congregation
 15234000 0 Lutheran Brethren Ch Na Inc
 32134100 0 Messiah Evangelical Lutheran Church Inc
 32135000 0 Messiah Evangelical
 73481000 0 Messiah Lutheran Church
 35616000 0 Grace Evangelical Lutheran
 20007000 0 Church of God
 12829000 0 Rosa De Saron Pentecostal Holiness Church Inc
 35666000 0 Church of Christ Cald Inc
 32007000 0 First Congregational Church United Church of Christ Nampa Inc @@
 13439000 0 Bible Pentecostal Church Inc
 13441000 0 Bible Pentecostal Church Inc
 13443000 0 Bible Pentecostal Church Inc
 33158000 0 Free Methodist Church of North America
 13490010 0 Involve Church Inc
 37097000 0 Wilder Assem Of God Ch
 74415000 0 Crossroads Assembly of God
 32186010 0 First Romanian Church Inc
 31968000 0 First United Presbyterian
 31971000 0 First United Presbyterian
 35746000 0 Caldwell Free Methodist Church Inc
 04656000 0 Calvary Temple Inc
 04657000 0 Calvary Temple Inc
 35133000 0 Valley Pentecostal Church Inc

05799000 0 Jehovahs Witnesses Caldwell Idaho Inc Central Congregation
16270500 0 New Covenant Baptist Church
02157000 0 Church of God of Caldwell Inc
33003011a0 United Reform Church of Nampa
21150000 0 Buddhist Society of Idaho
19367000 0 Parma Miss Baptist Ch
03685000 0 Treasure Valley Christian
03684000 0 Faith Evan Luth Ch Of Cald
03686000 0 Faith Evan Luth Ch Of Cald
30895000 0 Midland Congregation of Jehovahs Witnesses Nampa Id Inc
16034010 0 Mennonite Church
22961000 0 Teen Challenge International Pacific Northwest Centers
32096000 0 Lakeview Bible Church Inc
31440010a0 Church of The Brethren Inc
01143000 0 Apostolic Assembly of The Faith in Christ Jesus
01136000 0 Apostolic Assembly of The Faith in Christ Jesus
04945000 0 Iglesia Nueva Esperanza Corp
37169000 0 Fargo Community Church
75203000 0 Fargo Community Church
32001010a0 Grace Bible Church Inc
28875000 0 Greenhurst Bible Church Inc
67274100 0 Celebration Life Church Inc
31460000 0 Rock of The Christian And Missionary Alliance Inc
73546000 0 Christian Faith Center Assembly of God Inc
35797000 0 Christian Faith Center Assembly of God Inc
32003000 0 Christian Faith Center Assembly of God Inc
13034011 0 Nampa First Assembly of God of The City of Nampa Idaho Inc
32596000 0 First Ch Of the Nazarene
10954000 0 Evangelical Lutheran Zion Ch Of Na
17769000 0 First Baptist Church of Middleton
17779000 0 First Baptist Church of Middleton
07275000 0 Northwest Latin Conference of The International
18469000 0 First Baptist Church of Middleton
06161000 0 First Baptist Ch-Ca
22926000 0 Wat Idahophoxaiyaraam Inc
31408000 0 Karcher Church of The Nazarene Inc
76061000 0 Karcher Church of The Nazarene Inc
33946000 0 Canyon Springs Christian Church Inc
33945000 0 Canyon Springs Christian Church Inc
24428010 0 Idaho Conference of Seventh Day Adventists Inc
04001000 0 Idaho Conference of Seventh Day Adventists
25909000 0 Southern Idaho Corp Of Seventh Day Adventists
38837011a0 Southern Idaho Corp Of Seventh Day Adventists
09488000 0 Idaho Conference of Seventh-Day Adventists Inc

09491000 0 Southern Idaho Corp Of Seventh Day Adventists
09492010 0 Southern Idaho Corp Of Seventh Day Adventists
09492010a0 Southern Idaho Corp Of Seventh Day Adventists
38837117 0 Southern Idaho Corp Of Seventh Day Adventists
17902114 0 Idaho Conference of Seventh Day Adventists
05032000 0 Idaho Conference of Seventh Day Adventists Inc
18988000 0 Bible Believers Fellowship LLC
32273000 0 Sunnyridge Assembly of God
31478010 0 Church of God of Prophecy
16699000 0 Praise Chapel Christian Fellowship
18857000 0 First Baptist Church of Notus Inc
31999000 0 Trinity Evangelical Luth Ch
19191000 0 Church of Christ Of Parma Idaho Inc
17535000 0 Community Baptist Church of Melba Inc
01414000 0 Treasure Valley Christian Center Inc
02759000 0 Treasure Valley Christian Center Inc
01413000 0 Treasure Valley Christian Center Inc
01353000 0 Boone Memorial Presbyterian Church Inc
01342000 0 Boone Memorial Presbyterian Church Inc
01354000 0 Boone Memorial Presbyterian Church of Caldwell Idaho Inc
01341000 0 Boone Memorial Presbyterian Church of Caldwell Idaho Inc
39089010 0 Sterry Memorial Presbyterian Church Inc
39122000 0 Sterry Memorial Presbyterian Church Inc
39123000 0 Sterry Memorial Presbyterian Church Inc
15502000 0 Church of The Living God Inc
27439000 0 First Christian Church of Caldwell Db a Caldwell Christian Church
27440000 0 First Christian Church of Caldwell Db a Caldwell Christian Church
23113000 0 Calvary Chapel of Nampa
23112000 0 Calvary Chapel of Nampa Inc
23118000 0 Calvary Chapel of Nampa Inc
31394000 0 Calvary Chapel Nampa Inc
31395000 0 Calvary Chapel Nampa Inc
35391000 0 First Methodist Ch Of Cald
35395000 0 First Methodist Ch Of Cald
35389000 0 First Methodist Ch Of Cald
17993000 0 Methodist Church
16238000 0 Roman Catholic Diocese of Boise
15617000 0 Roman Catholic Dioc Of Boise St Pauls Church
15228000 0 Roman Catholic Diocese of Boise
15227000 0 Roman Catholic Diocese of Boise
32334100 0 Roman Catholic Diocese of Boise
31822011 0 Roman Catholic Diocese of Boise
24564010 0 Roman Catholic Diocese of Boise
17607020 0 Roman Catholic Diocese of Boise

17503000 0 Roman Catholic Dioc Of Boise Melba Church
 18975000 0 Roman Catholic Dioc Of Boi Sacred Hearts of Jesus Mary Church
 32334000 0 Roman Catholic Diocese of Boise
 17502000 0 Roman Catholic Diocese of Boise
 31454000 0 Harvest Life Ministries Inc
 29527000 0 Southside Blvd Methodist
 13570000 0 New Direction Inc
 13530000 0 New Direction Inc
 36165000 0 Bible Missionary Church of Greenleaf Inc
 70230000 0 Bible Missionary Church of Greenleaf Idaho Inc
 05061000 0 Heritage Holiness Chapel Incorporated
 19936000 0 Calvary Holiness Church Inc
 08573000 0 Ch Of the Nazarene N Na Inc
 12158000 0 Ch Of the Nazarene
 08575000 0 Ch Of the Nazarene
 15436000 0 First Christian Ch
 15437000 0 First Christian Ch-Na
 15439000 0 First Christian Ch-Na
 15441000 0 First Christian Ch-Na
 02092000 0 Iglesia Misionera Pentecostes Inc
 02090011 0 Iglesia Misionera Pentecostes Inc
 02091000 0 Iglesia Misionera Pentecostes Inc
 11204000 0 College Ch Of the Nazarene
 10993000 0 College Church of The Nazarene Inc
 11200000 0 College Ch Of the Nazarene
 11205000 0 College Ch Of the Naz Inc
 25266000 0 La Iglesia De Dios Inc
 27472000 0 Midway Bible Missionary Ch
 07347000 0 First Church of Christ Scientist
 15459000 0 Sovereign Grace Fellowship of Nampa Inc
 04222000 0 Canyon Hill Ch of Nazarene
 04218000 0 Canyon Hill Ch of Nazarene
 04255000 0 Canyon Hill Ch of Nazarene
 04221000 0 Canyon Hill Ch of Nazarene
 29578012 0 Lake Shore Dr Baptist Church Nampa

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the exemptions.

63-602C – Charitable

13576000 0 Salvation Army
 13704000 0 Salvation Army The
 15988584 0 Salvation Army The
 32548178 0 Salvation Army

04887000 0 Salvation Army The
 27333105 0 Corp Of Presiding Bishop of Jesus Christ of LDS
 27333106 0 Corp Of Presiding Bishop of Jesus Christ of LDS
 31139000 0 Pacific Press Publishing Assoc
 67336800 0 Shep Rock Foundation
 04735000 0 Caldwell Model Railroad Club & Historical Society Inc
 30505204 0 Idaho Fish and Wildlife Foundation Inc
 01114000 0 Caldwell Elks Home Assn
 01113000 0 Caldwell Elks Home Assn Inc
 14822000 0 Fleet Reserve Assoc Branch 382
 34971000 0 Caldwell Chapter of The Izaak Walton League of America
 17540000 0 Melba Valley Historical Society
 08237000 0 Nampa Lodge #1389 BPOE
 11905200 0 Lifeways Inc
 38762010 0 Parma Area Sr Citizs Cntr Inc
 31060011c1 Love Inc Of Treasure Valley
 20939010a0 Love Inc Of Treasure Valley
 31304000 0 Boise Rescue Mission Inc
 31305000 0 Boise Rescue Mission Inc
 31312000 0 Boise Rescue Mission Inc
 31328011 0 Boise Rescue Mission Inc
 31328012 0 Boise Rescue Mission Inc
 16835000 0 Boise Rescue Mission Inc
 02530501d0 Community Council of Idaho Inc
 02530502 0 Community Council of Idaho Inc
 02530505 0 Community Council of Idaho Inc
 13286000 0 American Legion Joseph H Murray Post 18
 00855000 0 Lambda-Chi Chapter of Kappa Sigma House Corporation
 67120000 0 Warhawk Air Museum Inc
 67120010b0 Warhawk Air Museum Inc
 67371500 0 Warhawk Air Museum Inc
 67371501 0 Warhawk Air Museum Inc
 08154000 0 Treasure Valley Transit Inc
 29190010 0 Treasure Valley Transit Inc
 35091000 0 Advocates Against Family Violence Inc
 32109010b0 Witco Inc
 01801000 0 Grand Lodge of Id IOOF Inc
 05779000 0 Idaho State Chapter PEO Sisterhood Inc
 33612000 0 Lizard Butte Easter Sunrise
 35865012 0 Witco Inc
 35865011 0 Witco Inc
 35865010 0 Witco Inc
 16046000 0 Pet Haven Inc
 04699000 0 Mt Moriah Lodge 39 A F Am Inc

35723101 0 Young Mens Christian Association of Boise Inc
31730000 0 Mission Aviation Fellowship
35141010 0 Caldwell Odd Fellow Lodge No 10
37939000 0 Blazing Hope Youth Family Ranch Inc
35723100 0 Young Mens Christian Assoc Of Boise Inc
22891000 0 Mission Aviation Fellowship
67165204 0 Mission Aviation Fellowship
67165255 0 Mission Aviation Fellowship
37781011 0 Idaho Youth Ranch Inc
37785000 0 Idaho Youth Ranch Inc
01147501 0 Idaho Youth Ranch Inc
01147500 0 Idaho Youth Ranch Inc
35307103 0 Metro Community Services Inc
36402000 0 Pleasant Ridge Grange #135
36736000 0 Arena Valley Park Assoc Inc
16873000 0 Community Health Clinic
03136000 0 Community Health Clinic Db a Terry Reilly Health Services
08759000 0 Community Health Clinics
08760000 0 Community Health Clinics Db a
16880000 0 Community Health Clinics Db a
08777000 0 Community Health Clinics Inc
14447000 0 Community Health Clinics Inc
14447015 0 Community Health Clinics Inc
16883000 0 Community Health Clinics Inc
04731101 0 Community Health Clinics Inc Db a Terry Reilly Health Services
07900101 0 Community Health Clinics Inc Db a Terry Reilly Health Services
13339000 0 Community Health Clinics Inc Db a Terry Reilly Health Systems
28695010 0 Community Health Clinic Db a
15957000 0 Lifeline Crisis Preg Cntr Inc
15954000 0 Lifeline Crisis Pregnancy Center Inc
13447000 0 Society of St Vincent De Paul Southwest Id Dist Council Inc
35818000 0 St Vincent De Paul Of Caldwell Inc
11805010 0 Hands of Hope Northwest Inc
11805010a0 Hands of Hope Northwest Inc
11805000 0 Hands of Hope Northwest Inc
01788000 0 Linc Living Independence Network Corp
19896000 0 V F W Post 11065
17607030 0 American Legion Diven Slonecker Post 126
00083100 0 Elevate Academy Foundation Inc
00083101 0 Elevate Academy Foundation Inc
00083102 0 Elevate Academy Foundation Inc
04770000 0 Canyon County Historical Society Inc

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the exemptions.

63-602E – Education

61111011 0 Treasure Valley Community College
29567011 0 Liberty Charter School Inc
11246000 0 Northwest Nazarene University Inc
11194014 0 Northwest Nazarene University Inc
11194013 0 Northwest Nazarene University Inc
11194011 0 Northwest Nazarene University Inc
11194012 0 Northwest Nazarene University Inc
11007000 0 Northwest Nazarene University Inc
11178000 0 Northwest Nazarene University Inc
11180000 0 Northwest Nazarene University Inc
11181000 0 Northwest Nazarene University Inc
11184000 0 Northwest Nazarene University Inc
11194010 0 Northwest Nazarene University Inc
11201000 0 Northwest Nazarene University Inc
11633000 0 Northwest Nazarene University Inc
11189000 0 Northwest Nazarene University Foundation Inc
13025112 0 Northwest Nazarene University Inc
11194000 0 Northwest Nazarene University Inc
11188000 0 Northwest Nazarene University Inc
31448010 0 Nampa Christian Schools Inc
36241010 0 Greenleaf Friends Church
76062000 0 Greenleaf Friends Academy
31537010 0 Nampa Christian Schools Inc
31535010 0 Nampa Christian Schools Inc
31533010 0 Nampa Christian Schools Inc
31534000 0 Nampa Christian Schools Inc
31539000 0 Christian Schools Foundation of Nampa Idaho Inc
31533000 0 Nampa Christian Schools Inc
34113000 0 Western Idaho Community Action Programs Inc
02530536 0 Western Idaho Community Action Partnerships Inc
19863000 0 Western Idaho Community Action Program Inc Head Start
34320000 0 Vision Charter School Inc
08631000 0 Idaho Arts Charter School
08890000 0 Idaho Arts Charter School
08891000 0 Idaho Arts Charter School
08900000 0 Idaho Arts Charter School
08901000 0 Idaho Arts Charter School

08991000 0 Idaho Arts Charter School
 13034012 0 Idaho Arts Charter School
 13034013a0 Idaho Arts Charter School
 13034011a0 Idaho Arts Charter School Inc
 29454010a0 Legacy Public Charter School Inc
 32504100 0 3900 Overland LLC
 11504000 0 Evan Luth Zions Cong Of The
 29567011a0 Victory Charter School Inc
 32716000 0 Idaho Conference of Seventh Day Adventists Inc
 32717010 0 Idaho Conference of Seventh Day Adventists Inc
 00925000 0 Idaho Conference of Seventh Day Adventists@@
 32121000 0 Gem Prep Nampa LLC
 31454011 0 Harvest Life Ministries Inc
 35287105 0 Thomas Jefferson Charter School Inc
 67603000 0 Building Hope Orchard Street LLC
 34795011 0 Mosaics Public School Inc
 02287000 0 Elevate Academy Inc
 35723012 0 Heritage Community Charter School Inc

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the tax exemptions.

50-2014 – Urban Renewal

04636000 0 Urban Renewal Agency of the City of Caldwell Idaho

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the exemption.

63-602B - Religious

30973000 0 Eagle Christian Church

Last year a partial exemption was granted but this year the land has been developed and a full exemption is being recommended. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the exemption.

63-602C - Charitable

14442000 0 Nampa Valley Grange #131

The exemption was removed last year due to lack of application but there is no reason not to grant the exemption this year. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the exemption.

63-602E - Educational

649401030 Great America Financial Services Corporation

The Assessor’s Office sees no reason not to grant the exemption. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the exemption.

63-602E - Educational

755502000 0 and 75555000 0 Nampa Christian Schools Inc.

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the exemptions for both parcels noted.

63-602C - Charitable

00083103 0 Elevate Academy Foundation Inc.

Last year the Assessor's Office made a recommendation for denial; this year it still doesn't seem to meet the threshold/code to be used exclusively for educational purposes. The parcel appears to be being held for future building. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to deny the tax exemption.

The meeting concluded at 9:48 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 10:33 a.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek and Zach Brooks, Director of Indigent Services Yvonne Baker, Case Managers Kellie George and Jenn Odom and Deputy Clerk Jenen Ross. The following cases were presented for consideration:

Case no. 2010-1407: The obligation to the county has been satisfied and Indigent Services is requesting a release of lien. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the release of lien for case no. 2010-1407.

Case no. 2024-23: Ms. George provided a history to the Board of the decedent's residency; it appears Canyon County is not the obligated county. Commissioner Van Beek made a motion to deny the application as it doesn't appear Canyon County is the obligated county nor the payor of last resort and application would need to be made to Ada County. The motion was seconded by Commissioner Brooks and carried unanimously.

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

CONSIDER A RESOLUTION APPROVING A REFUND TO DOUGLAS MCADAMS FOR A WITHDRAWN CONDITIONAL USE PERMIT APPLICATION, CASE NO. CU2023-0009

The Board met today at 10:45 a.m. to consider a resolution approving a refund to Douglas McAdams for a withdrawn conditional use permit application, case no. CU2023-0009. Present were: Commissioners Leslie Van Beek and Zach Brooks, DSD Office Manager Jennifer Almeida, DSD Director Sabrina Minshall and Deputy Clerk Jenen Ross.

Ms. Almeida explained Mr. McAdams originally applied in May of 2023, a file was created and assigned to a planner. In 2024 the file was reassigned to a new planner and rereviewed when some extenuating circumstances were discovered. At that point the applicant withdrew his application and will reapply at a later time. DSD staff is recommending a refund of \$807.50 which is approximately 85% of the fees paid. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the resolution to issue a refund to Douglas McAdams for a withdrawn conditional use permit application, case no. CU2023-0009. Resolution no. 24-046.

The meeting concluded at 10:47 a.m. and an audio recording is on file in the Commissioners' Office.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 4, 2024

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Elidia Gonzalez, Housekeeper
- Sandi Guerra, Temporary Elections Trainer (poll worker trainer)

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Canyon County Sheriff's Office in the amount of \$20,100 for updated uniform allowance (PO #5885)

APPROVE ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- Golden Palace Inc. dba Golden Palace
- Albertsons dba Albertsons #176, #103, #1602, and #166

Resolution no. 24-047

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO 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 Zach Brooks, Clerk Rick

Hogaboam, Chief Deputy P.A. Carl Ericson, Deputy P.A. Oscar Klaas, Deputy P.A. Alex Klempel, Director of Indigent Services Yvonne Baker (left at 9:38 a.m.), Case Managers Kellie George and Jenn Odom (left at 9:38 a.m.), EOM Christine Wendelsdorf, Communications Specialist Rick Thompson (left at 9:38 a.m.), COO Greg Rast, Nancy Glascock (left at 9:38 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Resolutions Appointing Community Volunteers, Lisa Shaddock, Melissa Czapiewski, and Nancy Glascock, to the Board of Community Guardians: Director Baker introduced Ms. Glascock who provided her background and interest in participating with the BOCG. Following the approval of the resolution and appointment of the new volunteers there will be an orientation to get everyone started. Ms. Klempel stated that these are the standard resolutions. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolutions appointing community volunteers, Lisa Shaddock (resolution no. 24-049), Melissa Czapiewski (resolution no. 24-048), and Nancy Glascock (resolution no. 24-050), to the Board of Community Guardians.

Consider a Resolution Ratifying Purchase of Bryx, Inc. Fire Station Alerting System and Agreement with Bryx, Inc.: Ms. Wendelsdorf explained this is a follow up to the meeting that was had regarding the fire station alerting for six (6) fire stations within Canyon County that need to be repaired. The purchase and agreement have been thru legal and been accepted by Bryx. This purchase will be made with the E911 fund, not property taxpayer dollars. Mr. Klaas said this purchase was able to be done quickly as it was on a cooperative purchasing agreement so there was no need to go thru the procurement process. Ms. Wendelsdorf spoke to the cost and where the funding will be coming from in the future. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution ratifying purchase of Bryx, Inc. Fire Station Alerting System and agreement with Bryx, Inc. (agreement no. 24-030 and resolution no. 24-051).

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

MEETING WITH THE IT DIRECTOR FOR AN UPDATE AND DISCUSSION

The Board met today at 10:32 a.m. with the IT Director for an update and discussion. Present were: Commissioners Leslie Van Beek and Zach Brooks, IT Director Steve Higgins, Assistant IT Director Eric Jensen, Operations Manager Jairo Rodriguez (left at 11:12 a.m.), Project Manager Shawn Adamson (left at 11:12 a.m.), IT Business Analyst Aaron Lasley (left at 11:12 a.m.), Development Manager Steve Webb (left at 11:12 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross.

Director Higgins gave a PowerPoint presentation which reviewed the following areas:

- 2023 Processed email
- 2023 County-wide printer click counts
- 2023 Print shop printer click counts
- 2023 Service desk tickets

- 2023 Email count
- 2022-2023 Website comparison
- 2023 Project report – at the request of Mr. Rast, Director Higgins spoke about the top 5 projects
- 2022-2023 Weekly project hours
- Year-over-year project hours w/graph representations

As part of his 6-month assessment being the IT Director, Mr. Higgins reviewed the items that are high-visibility for his department as follows:

- Microsoft Enterprise upgrade
 - Microsoft 365
 - Microsoft Windows 11
- DR Plan/Resiliency in CC ecosystem
- Procurement process
 - The Board expressed their frustration with IT purchase circumventing the IT department and how they feel the department needs to be involved in all IT procurements.

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

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE
 Commissioner Van Beek made a motion to go into Executive Session at 11:12 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. Commissioner Brooks took a roll call vote where he along with Commissioner Van Beek voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Zach Brooks and Leslie Van Beek, IT Director Steve Higgins, Assistant IT Director Eric Jensen, and COO Greg Rast. The Executive Session concluded at 11:50 a.m. with no decision being called for in open session.

Commissioner Van Beek moved to adjourn the meeting at 11:50 a.m. An audio recording is on file in the Commissioners’ Office.

APRIL 2024 TERM
 CALDWELL, IDAHO APRIL 5, 2024

There were no meetings scheduled this day.

APPROVED CLAIMS

- The Board has approved the March jury claim in the amount of \$6,503.20
- The Board has approved claims 604387 to 604433 in the amount of \$74,026.74
- The Board has approved a grand jury claim in the amount of \$2,766.95
- The Board has approved claims 604268 to 604278 in the amount of \$21,925.50
- The Board has approved claims 604311 to 604350 in the amount of \$118,002.79
- The Board has approved claims 604434 to 604467 in the amount of \$553,805.89
- The Board has approved claims 604468 to 604484 in the amount of \$11,153.00
- The Board has approved claims 604485 to 604514 in the amount of \$44,370.17
- The Board has approved claim 604515 in the amount of \$783.75
- The Board has approved claims 604516 to 604555 in the amount of \$74,648.71
- The Board has approved claim 604556 in the amount of \$11,306.83
- The Board has approved claims 604600 to 604639 in the amount of \$51,242.04
- The Board has approved claims 604640 to 604677 in the amount of \$68,192.54
- The Board has approved claims 604678 in the amount of \$6,917.69

APPROVED APRIL 5, 2024 PAYROLL

- The Board approved the April 5, 2024 payroll in the amount of \$2,408,237.62

COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Mallory Loeb.

APPROVE ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- The Airport Inn, Inc., dba The Airport Inn
- Sportsman's Hideout, LLC dba Sportsman's Hideout
- Idaho Bowling Corporation, Inc., dba Nampa Bowl
- Las Tias, LLC dba Tin Roof Tacos

Resolution No. 24-052

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- The Getaway to be used on 4/18/24

MEETING WITH PA TAYLOR FOR LEGAL COUNSEL DISCUSSION AND TO CONSIDER AN ACTION ITEM

The Board met today at 11:00 a.m. with PA Taylor for a legal counsel discussion. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Prosecutor Bryan Taylor, Chief Deputy P.A. Carl Ericson, Deputy P.A. Alex Klempel, Assessor Brian Stender, COO Greg Rast, David Leroy with Leroy Law Offices and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider Legal Services agreement with Leroy Law Offices: Mr. Rast explained that the Board has the latest version from Mr. Leroy and that the changes suggested by Mr. Ericson have been made by Mr. Leroy. There were four changes, the first was in regard to civil legal services to ensure it's very specific and case-by-case. This is the third letter of engagement with a third firm for case-by-case situations; the three engagements are with MSBT Law, Moore, Elia and Kraft, and now Leroy Law. This agreement will be for any future work needed by Mr. Leroy. Commissioner Van Beek made a motion to sign the legal services agreement with Leroy Law Offices. The motion was seconded by Commissioner Brooks and carried unanimously (agreement no. 24-031). Commissioner Van Beek commented that the Board has considered, and as conflict counsel, this includes references to article 18, section 6 of the Idaho Constitution and Idaho Code section 31-813 which she believes legal counsel has provided guidelines which have been complied with by the Board. Ms. Klempel noted that in reference to the process of hiring outside counsel, that is for specific instances, this is a generalized agreement so if a specific issue arises that Mr. Leroy needed to work on for the Board there would need to be a further record at that time.

Commissioner Brooks asked about a rumor he's heard that the Canyon County Board of Commissioners was investigated by the PA in another county. On Friday, he and Mr. Rast spoke with Mr. Ericson who confirmed the information but did not elaborate, instead referred them to speak with PA Taylor who was not in the office at the time. With the presence of Mr. Taylor and Mr. Ericson today, Commissioner Brooks would like to know how the Board was investigated by another county's prosecutor's office without the board's prior knowledge but instead finding out secondhand. In addressing PA Taylor's question about where he heard the rumor, Commissioner Brooks chose not to disclose that information. Prosecutor Taylor explained it is a very typical process, with the most recent one being an open meeting law allegation against the board. Since the PA's Office is legal counsel to the Board, per Idaho Code 74-208 (5), states that the PA shall refer this out to a special prosecutor; another PA needs to review the matter as CCPA cannot since they are legal counsel to the board. Information was received from the outside PA, there is no further action necessary so the matter is closed. He explained that generally the party being investigated is not notified in an effort to not disrupt the record. Commissioner Brooks further clarified his question to ask how the outside PA would be able to make any determination on whether to move forward without contacting the subject (the BOCC in this case) about the matter. Ms. Klempel explained that initial determination to move forward can be done by simply reviewing brief information, there is not always going to be a conversation with the subject of the investigation in the early phases. There may only be contact with the subject of the investigation if the PA isn't able to fully determine if the matter should move forward or not. Specifically, in regard to this situation, the outside PA was able to determine (without speaking to the Board) that

no action should be taken. In response to Commissioner Brooks' question, the legal team does not know why the matter is not being pursued further. Mr. Taylor spoke about how they work to keep separation between the case and his office providing legal counsel to the Board. Additionally, he confirmed that a copy of the findings was sent to his office but since it was not going to be pursued further he just files them away; at the Board's request, a copy will be report will be forwarded to the them. Commissioner Holton expressed his frustration about Prosecutor Taylor forwarding the allegations without notifying the Board and wondered why that was done. Mr. Taylor explained that he was following Idaho Code 74-208(5) which states that if there is an open meeting violation allegation committed by a board of commissioners the prosecuting attorney or board of commissioners may seek to have a special prosecutor appointed as noted in section 31-2603 of Idaho Code. He has a responsibility to separate one function from another function which is why he had Mr. Ericson trying to provide legal counsel to make sure the board was protected while he had to follow the statute. Mr. Ericson confirmed that there was a complete separation between his advisement to the Board and the actions of the prosecutor so there was no carryover. Mr. Ericson stated he was not even aware Mr. Taylor had referred this to outside counsel until recently. He recalls advising the Board that the matter may need to be referred out but didn't know what Prosecutor Taylor's plans were. Mr. Taylor said that Mr. Ericson notified the Board of the matter and how to rectify it and that if it was rectified it would never have had to be referred on, however the board did not take any action. Commissioner Van Beek expressed her frustration with how this situation has been handled.

The meeting concluded at 11:21 a.m. and an audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(C) AND (D), REGARDING ACQUISITION OF AN INTEREST IN REAL PROPERTY AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 2:03 p.m. pursuant to Idaho Code, Section 74-206(1) (c) and (d) regarding acquisition of an interest in real property and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted 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, Treasurer Tracie Lloyd, Captain Harold Patchett, Chief Civil Deputy PA Carl Ericson, Facilities Director Rick Britton, Assistant Facilities Director Carl Dille, Chief Deputy Sheriff Doug Hart, Clerk Rick Hogaboam, and COO Greg Rast. The Executive Session concluded at 3:07 p.m. with no decision being called for in open session.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hart Intercivic in the amount of \$143,541.00 for the Elections Office (PO #5997)
- Dell in the amount of \$6,975.04 for the Information Technology department (PO #5988)
- Dell in the amount of \$17,176.48 for the Information Technology department (PO #5985)
- BOE in the amount of \$8,154.00 for the Information Technology department (PO #5987)
- Sinch Message Media in the amount of \$3288.00 for the Elections Office (PO #5943)

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- The Vault Eagle to be used on 4/13/24
- Van Lith Ranch to be used on 4/27/24

APPROVE ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- Sushi LW, LLC dba Sushi Sushi
- O Seafood, Inc., dba O Crab
- Italian ToGo Co., LLC dba Italian ToGo Co.
- LaRosita Mexican Store, Inc., dba LaRosita Mexican Store
- SLCH Asian Grocery, LLC dba Asian Grocery
- Inter Mountain Management, LLC dba Fairfield Inn & Suites

Resolution No. 24-084

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 2:48 p.m. to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy Treasurer Jennifer Watters (left at 2:52 p.m.), Banking and Finance Manager Melissa Tucker and Deputy Clerk Jenen Ross. The action items were considered as follows:

Tax Charge Adjustments by PIN for February 2024 and March 2024: Ms. Watters said these are the adjustments and corrections that have been made of the past 2 months. February is delayed due to the occupancy tax roll and reports not coming out correctly. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the tax charge adjustments by PIN for February 2024 and March 2024.

The Board recessed from 2:52 p.m. until 2:56 p.m. Once back on the record the following action item was taken up:

Resolution approving alcoholic beverage license for Taqueria La Flama #2, LLC (New License): Commissioner Brooks has reviewed this application and is in favor of approving. A motion was made by Commissioner Brooks to approve and sign the alcoholic beverage license for Taqueria La Flama #2. The motion was seconded by Commissioner Van Beek and carried unanimously (resolution no. 24-054).

The meeting concluded at 2:57 p.m. and an audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:00 p.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. Alex Klempel, Deputy P.A. Zach Wesley, Clerk Rick Hogaboam (left at 3:20 p.m.), Elections Office Manager Haley Hicks (left at 3:20 p.m.), Election Specialist Robin Sneegas (left at 3:20 p.m.), Landfill Director David Loper (left at 3:35 p.m.), Parks Director Nicki Schwend (left at 3:47 p.m.), Historic Preservation Planner Chelsee Boehm (left at 3:47 p.m.), JoDee Arnold (left at 3:20 p.m.), COO Greg Rast (joined the meeting at 3:52 p.m.) and Deputy Clerk Jenen Ross.

Public hearing to receive comment regarding sole source procurement for ballot printing units and action item to consider executing purchase of ballot printing units from Hart InterCivic, Inc.: Clerk Hogaboam explained that \$300,000 was allocated in the elections budget for software expenses in anticipation of purchasing additional Duo units. After some evaluation, the elections staff has decided to go in a different direction, toward a sole source procurement of ballot printing units. There are approximately 400 Duo units which will still be utilized. This purchase will be for 20 ballot printing units but with 45 voting locations the units will be used at the busiest locations and the early voting locations in both Caldwell and Nampa. Additionally, elections staff will be sure to convey to the public if they have a strong desire to mark by hand on a printed ballot that the only guarantee would be to vote early in person. Ms. Hicks provided a brief overview of how the printing devices will work. The Board, along with Ms. Arnold expressed their appreciation for the work done by the Clerk and election staff in getting this implemented. Commissioner Holton closed the public hearing. Mr. Wesley stated for the record that this agreement is the same terms and conditions as the master agreement with Hart from 2020. Commissioner Van Beek made a motion to sign the purchase of the ballot printing units which includes the purchase order. The motion was seconded by Commissioner Brooks and carried unanimously (agreement no. 24-032).

Consider a Resolution Designating Polling Locations for the May 21, 2024 Election: 45 polling locations have been secured for the upcoming election which is an increase from other recent elections. There are 51 precincts and they were strategic in finding appropriate locations to

accommodate all the precincts. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution designating polling locations for the May 21, 2024 election (resolution no. 24-053).

Consider State of Idaho Department of Water Resources' Permit 63-34858 Application Statement of Completion: Director Loper explained this has been in process for a while. They've been able to secure 4 parcels which equates to approximately 10 acres that boarder Deer Flat Rd. and the landfill property. One of the parcels had a private well and after it was purchased by the county, application was made to the Department of Water Resources to change the domestic well to a commercial water right. The current air permit requires that a certain amount of dust control is done and having this water will assist with that. Now that the well has been re-drilled a statement of completion needs to be filed with the Department of Water Resources to turn the permit into an actual water right. Ms. Klempel said that her office sees no legal reason not to sign. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the State of Idaho Department of Water Resources' Permit 63-34858 Application Statement of Completion.

Consider Legal Notice Inviting Public Comment on Revisions to the Pickles Butte Sanitary Landfill Operation and Maintenance Manual: This is an ongoing process that continually changes. Statute requires that the plan be in place and that it is recertified every 3 years; the statute also requires there to be an update when there are significant operational changes. These revisions encompass both of these requirements. A notice will be published in the Idaho Press inviting comment to Southwest District Health for a 28-day period. All comments received will be incorporated into the plan and then the final plan will be submitted. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the legal notice inviting public comment on revisions to the Pickles Butte Sanitary Landfill operation and maintenance manual.

Consider Solicitation of Interest – Consultant for Snake River Canyon Preservation Assessment: Mr. Wesley explained that the county applied for and received a grant from the Idaho State Historic Preservation Office for approximately \$10,000 to conduct a review of the Snake River Canyon within Canyon County to evaluate if any recreational, historical or archeological aspects may be in that area that would need documentation or preservation. This is to solicit and then hire a professional to create a scope of work to determine what the initial assessment will look like and then lay out the steps to have a future plan. Funding comes thru the State Historic Preservation office from the National Parks Service and Ms. Schwend provided an explanation as to how the match amount is comprised. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the Solicitation of Interest – Consultant for Snake River Canyon Preservation Assessment.

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 3:47 p.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. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted 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. Alex Klempel and Deputy P.A. Zach Wesley. COO Greg Rast joined the meeting at 3:52 p.m. The Executive Session concluded at 4:04 p.m. with no decision being called for in open session.

The meeting concluded at 4:05 p.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

APRIL 2024 TERM

CALDWELL, IDAHO APRIL 10, 2024

APPROVED CLAIMS

- The Board has approved claims 604279 to 604310 in the amount of \$44,862.49
- The Board has approved claims 604351 to 604386 in the amount of \$110,381.68
- The Board has approved claims 604557 to 604599 in the amount of \$215,250.60

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Sarah Martin, Emergency Communications Officer 1
- Kolbe Pennington, Deputy Sheriff
- Blake Whitney, Deputy Sheriff
- David Minshall, Deputy Sheriff
- Daniel Patterson, Deputy Sheriff
- Bryce Moore, Sergeant
- Dolan Adams, Deputy Sheriff
- Stephanie Browne, Deputy Sheriff

APPROVE ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- Jacksons Food Stores, Inc., dba Jacksons Food Stores #3, #5, #22, #59, #60, #61, #62, #63, #64, #82, #85, #115, & #117

- Jacksons Food Stores, Inc., dba Extra Mile #143, #144, #147, #148, #149, #164, #177, #178, #179, #180, #181, #182, #183, #184, #196, #198, #239, & #241
- George & Kayla White dba Keystone Pizza
- Raising Our Bar, LLC dba Raising Our Bar
- Angeles De Puebla Ice Cream, LLC dba Angeles De Puebla Ice Cream
- Canton Café, Inc., dba Canton Café
- CJTSAI, LLC dba Tsai's Kitchen
- THD, LLC dba Mongolian Fire Grill
- Family Dollar, LLC dba Family Dollar #27267, #27513, and #30025
- Terry W. Dice dba Tiny's Lounge
- The Tackle Shop, LLC dba The Tackle Shop
- La Copa, LLC dba La Copa
- Apple Idaho, LLC dba Applebee's Neighborhood Grill & Bar
- Caldwell Elks Home Association dba Caldwell Elk's Lodge #1448

Resolution Nos. 24-055 and 24-056

COMMISSIONERS ATTEND THE 2024 CITY OF CALDWELL STATE OF THE CITY ADDRESS

A Board majority was scheduled to attend the 2024 State of the City Address for the City of Caldwell today at 12:00 p.m. The event took place at the Sky Ranch Business Park in Caldwell. There were no motions, action items or Board direction entertained or given.

ATTEND 5C (CONCERNED CITIZENS OF CANYON COUNTY COMMITTEE) MEETING

A Board majority was scheduled to attend a meeting of the Concerned Citizens of Canyon County Committee today at 1:00 p.m. The event took place at the Nampa Public Library located at 215 12th Avenue South in Nampa. There were no motions, action items or Board direction entertained or given.

SPECIAL MEETING: CONSIDER RESOLUTION TO ENGAGE LEROY LAW OFFICES IN A CONFLICT MATTER (RECORD OF NECESSITY)

The Board met today at 4:31 p.m. for a special meeting to consider a resolution to engage Leroy Law Offices in a conflict matter (record of necessity). The matter was placed on the agenda on April 9, 2024 at 4:12 p.m. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Chief Civil Deputy PA Carl Ericson, Deputy PA Oscar Klaas, and Deputy Clerk Monica Reeves. COO Rast recommends the Board go through five phases to resolve an inquiry between the Canyon County Prosecutor and the Board that will involve outside legal review on

two allegations that were not founded for open meeting law violations. There was a determination by Bonner County Prosecuting Attorney Louis Marshall that no actions were to be taken. Since the Board is the Prosecuting Attorney's client there is a natural conflict with this and there seems to be some individuals who think the Board is violating open meeting laws and this is a transparency exercise to work through the process.

Phase 1: Commissioner Brooks received an outside undisclosed tip that the Board of Commissioners was investigated by Bonner County Prosecuting Attorney Louis Marshall requested by Canyon County Prosecuting Attorney Bryan Taylor. The Board was surprised that another municipality would know before the Board would, and as the client the Board was not notified of any requests.

Phase 2: There was a meeting on April 8, 2024 with Prosecuting Attorney Bryan Taylor, Chief Civil Deputy PA Carl Ericson, and the Board to work through these concerns and there were two actions that came from that meeting.

1. Who formed a complaint, was it in writing, did it kick off a formal process and what does that process look like? That has not yet been disclosed.
2. The Board asked Prosecutor Taylor to provide the document from Prosecutor Marshall. That document was provided.

Phase 3: The Board held an Executive Session with the PA Civil team designees on the afternoon of April 9, 2024 to explain the Board's intents and concerns and the process they were going forward with with conflict counsel.

Phase 4: COO Rast said the resolution being considered today is for outside counsel to look at two inquiries on the alleged violations:

1. The 48-hour notice for the February 2nd meeting when the Board appointed the Canyon County Clerk after the resignation of Clerk Chris Yamamoto.
2. The Board attending the special meeting called by the Republican Central Committee on January 31, 2024 to go through the process of selecting three names for consideration for the Clerk appointment. The assumption of violation is that Commissioner Holton and Commissioner Brooks, who are elected precinct committeemen, attended the meeting in that capacity.

He wants to work through a process on what the Board to is what to expect if there is a written complaint or a complaint on an open meeting violation. He believes there is scrutiny of the Board because the Commissioners are working and present nearly every day and there is a lot of work that's happening so it's an easy target to say open meeting violations are happening. COO Rast said one of his jobs is to watch for open meeting violations and serial meetings and he has called them out and they have had to cure them, but in this instance, he prefers to go through the process to see what it looks like.

Phase 5: There is a meeting scheduled for April 12, 2024 with outside legal counsel and Prosecutor Taylor to work through that process and to talk through this so we can close this out through that exercise. He said Prosecutor Taylor will say the matter is closed through the findings of the Bonner County Prosecuting Attorney, but the Board wants more questions answered.

Commissioner Holton said he is aware that the Ada County Commissioners ran into this issue with their Prosecuting Attorney and they found the need to set some form of agreed process of what triggers a valid investigation for the Prosecutor to investigate his own client, the Board of Commissioners. It bothers him that the Board had asked Prosecutor Taylor who the party or parties were and if there was a record of the allegation and as of this date they still do not have that information. It bothers him that anyone can make a verbal allegation, it appears, and the Board can be put under scrutiny and if it's deserved, great, but if not then there's a big problem and it's a misuse of public resources. It has become a campaign issue where a candidate is saying the Board is "willy-nilly" going to outside counsel. This will be the fifth time the Board has sought outside counsel and it has been done for good reason and each time it has been a one-and-done issue.

Commissioner Brooks supports the resolution and said he feels targeted by his own counsel. The week after the Board appointed Clerk Hogaboam they met with Legal and were presented with options for curing a perceived open meeting violation. The Board decided not to do anything on it and at that point they had been told that no one had brought a complaint forward and they waited out the time period and still had not been informed as a Board that any complaint had been filed. Supposedly after the 14-day time period and from the time Prosecutor Taylor decided to send this to Bonner County there was a complaint made, but the Board was not informed of the complaints/accusations, and the other day they were told the complaints probably were not in writing. The Board was not informed of the request by its counsel to have another Prosecutor in a different county investigate the complaint. They learned of this from an outside source. He has a lot of questions and a lot of trust issues at this point so he is in favor with engaging outside counsel and getting to the bottom of this because what he read from Bonner County is not what the Board was presented with the week following the appointment of Clerk Hogaboam. They were presented with something else after the fact and he wants to see the paper trail. He referenced a situation in Ada County where their process was solidified to where the complaint had to be in writing and the person had to put their name on it. He is interested in knowing how something could get escalated to this level when it's not in writing and said if somebody is not willing to put their name to it, it feels even more targeted.

Commissioner Van Beek said this is a Board of integrity that has a desire to work collaboratively and it has done an exceptional job and that includes with the Chief Operating Officer on building relationships within the internal community to move business forward. She supports Commissioner Brooks' statement that this feels targeted and she asked at what time do we just go to work? She is in favor of moving forward because at some point in time there has to be clarification on a process. Commissioner Holton read the resolution into the record. (A copy of which is on file with this day's minute entry.) Commissioner Van Beek made a motion that the Board of County Commissioner, so convened in special meeting, considers and signs the resolution

to engage Leroy Law Offices in a conflict matter. The resolution has been read onto the record as a record of necessity. The motion was seconded by Commissioner Brooks. Commissioner Holton said the Board feels it has followed the Prosecuting Attorney's Civil Division in their recommendation for acquiring outside legal services. The motion carried unanimously. (Resolution No. 24-057.) The meeting concluded at 4:51 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 11, 2024

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- High Focus, LLC in the amount of \$25,000 for Emergency Management (PO #5839)

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for to be used:

- Raising our Bar to be used on 5/4/24, 5/10/24, 5/17/24, 5/18/24, 5/24/24, 5/25/24, 5/26/24 and 5/31/24
- Palace Event Center to be used on 4/14/24

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

The Board met today at 9:31 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Alex Klempel, Lt. Brian Crawforth (left at 9:35 a.m.), Facilities Director Rick Britton (arrived at 9:36 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a Resolution Declaring Certain Property as Not Necessary for County Use and for the Exchange of County Property: This is a standard gun trade resolution and exhibit A documents the make, model and serial number of each gun being traded. Lt. Crawforth said the trade-in value awarded will be used toward the purchase holsters and explained the end goal is to get every deputy using the same equipment. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution declaring certain property as not necessary for county use and for the exchange of county property (resolution no. 24-058).

Consider Invitation for Bids for Canyon County Fire Prevention Project and Legal Notice for IFB for Fire Prevention Project: There is a need to update the sprinkler system in the courthouse as some

of the equipment is obsolete. The project will span over several years and once it is to the contract stage there will be language included noting that future budgets cannot be obligated. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the Invitation for Bids for Canyon County Fire Prevention project and legal notice for IFB for Fire Prevention project.

Commissioner Van Beek motioned to adjourn the meeting.

The meeting concluded at 9:39 a.m. and an audio recording is on file in the Commissioners' Office.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 12, 2024

APPROVED CLAIMS

- The Board has approved claim 604760 ADV in the amount of \$59.75
- The Board has approved claim 604761 in the amount of \$103.50

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change form for:

- Doug Exton, Associate Planner in DSD

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for to be used:

- Craft Lounge to be used on 4/21/224
- Grant's Grill to be used on 5/18/24
- Casa Robles to be used on 4/21/24

APPROVE ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- Craft Lounge, LLC dba Craft Lounge (801 Everett St., Caldwell)
- Craft Lounge, LLC dba Craft Lounge (320 11th Ave., S. Ste. 100)
- TV Hotels, LLC dba Holiday Inn
- Vapor, LLC dba Vape
- Idaho Golf Partners, Inc., dba Timberstone Golf Course
- Hong Kong Restaurant, Inc., dba Hong Kong Restaurant
- Dunning Estates, LLC dba Dunning Estates
- NKVS, LLC dba Lakeshore
- Little Saigon Vietnamese Restaurant dba Little Saigon Vietnamese Restaurant

- Family Dollar, LLC dba Family Dollar Store #26963 and #30004
- MRG, Inc., dba Buck's Saloon & Steakhouse
- Treasure Valley Road Runners, LLC dba The Tower Grill
- Muniz Family Grocers, Inc., dba Grocery Outlet of Caldwell
- The Getaway Bar & Grill, Inc., dba The Getaway
- Grit Ground Game, LLC dba Grit

(Resolution Nos. 24-059 and 24-060)

MEETING TO DISCUSS OPEN MEETING LAW INQUIRIES WITH PROSECUTOR BRYAN TAYLOR

The Board met today at 1:30 p.m. to discuss open meeting law inquiries with Prosecutor Bryan Taylor. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Attorney David Leroy, Deputy PA Alex Klempel, and Deputy Clerk Monica Reeves. Prosecutor Taylor was not present for the meeting. As of a follow-up to the meetings held on April 8 and April, 2024, Commissioner Holton spoke of his disappointment that Prosecutor Taylor elected not to advise the Board about who made the complaint of the alleged open meeting violation as well as his decision to refer the matter to the Bonner County Prosecutor without consulting with or working with the Board. He wants to see a better and more constructive relationship between legal counsel and the Board. David Leroy offered comments and read his April 12, 2024 memorandum into the record which included a statement of facts, recommended protocols, and a conclusion. (A copy of the memo is on file with this day's minute entry.) Deputy PA Alex Klempel said the Prosecutor's Office is not necessarily agreeing with anything in Mr. Leroy's written statement and they are not necessarily agreeing that it's appropriate for this matter to be reviewed by outside legal counsel and they made that clear in an email on April 10, 2024. Following Mr. Leroy's review of his memo and his comments, each Commissioner gave their comments on the issue. Commissioner Brooks spoke of his concerns with the matter and said it has significantly altered his trust in the majority of the Prosecutor's Office. Commissioner Van Beek said she wants to be collegial and collaborative but she is fatigued by the mental gymnastics in trying to figure out how to work with adversarial legal counsel. She has done her best to fulfill her oath of office and her duties and she wants to get to work. Commissioner Holton spoke of his many years in public office and said he would not knowingly skirt around the open meeting law. He looks forward to a better working relationship and he hopes this can be a learning experience and everyone can do better. The meeting concluded at 2:34 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 15, 2024

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Right! Systems Inc. in the amount of \$204,715.00 for the Information Technology department (PO #5998)
- Bob Barker in the amount of \$5044.80 for the Sheriff's Office (PO #5842)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Amanda Carmona, Elections Specialist, new hire

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Eskimo Hut to be used on 5/5/24
- Liberty Lounge to be used on 4/18/24
- Grant's Grill to be used on 5/19/24

FISCAL YEAR 2025 KICKOFF DISCUSSION

The Board met today at 10:04 a.m. for a Fiscal Year 2025 kickoff discussion. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Clerk Rick Hogaboam, Audit Supervisor Sarah Winslow, COO Greg Rast, Director of Misdemeanor Probation Jeff Breach, DSD Director Sabrina Minshall, HR Compensation/Benefits Manager Bosco Baldwin, Facilities Director Rick Britton, Juvenile Detention Director Sean Brown, Fleet Director Mark Tolman, Ambulance District Director Michael Stowell, Parks Director Nicki Schwend, Director of Juvenile Probation Elda Catalano, other interested persons, and Deputy Clerk Monica Reeves.

Clerk Hogaboam reviewed the budget process for this upcoming fiscal year and provided handouts, which are on file with this day's minute entry. The budget timeline is as follows:

May 6, 2024	County clerk (i.e. the county auditor and budget officer) distributes budget forms to county elected officials and department heads (I.C. 31-1602). First Monday in May deadline. He hopes to send the forms to departments and offices on April 17.
May 20, 2024	Budget forms and supporting documentation due to county clerk (I.C. 31-1602). Failure to submit estimates may be subject to a fine and/or failure to participate in the budget process (I.C. 31-1602). Third Monday in May deadline.
May-June	After the 3 rd Monday in May until the end of June, budget meetings will be scheduled to review requests.
July	Budget meetings with the BOCC will be scheduled, leading to the Clerk's suggested/preliminary budget presentation.

Aug. 5, 2024	County clerk submits suggested/preliminary budget to BOCC by first Monday in August (I.C. 31-1604).
Aug. 12-16, 2024	County commissioners set tentative budget which county clerk publishes in newspaper of record (I.C. 31-1604).
Sept. 3, 2024	On or before the Tuesday following the first Monday in September, the BOCC shall meet as noticed to commence public hearing on tentative budget (I.C. 31-1605).
Sept. 5, 2024	BOCC must certify the budget (I.C. 31-1605).
Sept. 16, 2024	BOCC must approve tax levies and deliver to the state tax commission by third Monday in September (I.C. 63-808).

Highlights from Clerk Hogaboam’s report included:

Baseline budget information. He is prepared to bring options as far as how to adjust the baseline to what the actuals are.

Policy discussions are needed on:

- How to prepare budget regarding backfilled positions
- Personnel baseline budget new positions, salary budgets, and reclassifications. (He will highlight budgeted vacant positions that have stayed vacant.)
- Compensation program
- COLA
- Salary increases

The Clerk commits to try to achieve the three primary objectives for budgeting and financial reporting as outlined by the Governmental Accounting Standard Board (GASB):

1. Financial reporting should assist in fulfilling government’s duty to be publicly accountable and should enable users to access that accountability.
2. Financial reporting should assist users in evaluating the operating results of the governmental entity for the year.
3. Financial reporting should assist users in assessing the level of services that can be provided by the governmental entity in its ability to meet its obligations as they become due.

He shared his thoughts on the last 13 years of budget cycles. In 2012-2016 the County did not take 3%, new construction. \$7.2M was not added; the amount that would have been in the annual budget capacity was pushed into forgone and that is why the forgone balance went from \$5M to almost \$11M. From 2017-2019 the County took the full 3%, new construction, and used forgone. In those three years we added \$6.5M into the budget capacity. Last August the Clerk and Controller recommended taking new construction, the full 3% and they dangled the

possibility as an option of use of forgone. The County in two years left over \$7.5M untaxed including not taking new construction in what appears to be the two fastest growing years in the County. From 2020-2023, the County did not take the full amount of new construction or the 3%. In 2023 the Commissioners levied \$40M to burn through some fund balance. The increases in 2020 and 2021 exceeded what was budgeted which means more money was being received by the county from the state than was budgeted and that was increasing fund balance, but we didn't fully expend the budget at capacity. In 2023 the County levied less and added new positions and made some salary adjustments. The decision to levy \$40M knowing there would be a rebound back to the \$55M range, the commitments the County made with that rebound the property tax levy did not cover in contemplating that rebound what the commitments were and it put the Commissioners in a position of burning fund balance for multiple years unless they chose to make drastic cuts to the budget.

From 2011 to 2024 the County could have added close to \$23M if it took the 3%. If the County took the posture of it's going to take new construction, have growth pay for itself, we are going to take 0% of the 3% and if they had done that every year since 2011, we would still have more levying capacity today. The County has not captured the full value of new construction since 2011 to let growth pay for growth. He spoke about levy authority, forgone balance, and levy capacity. We are in a mode of five years in a row not taking what could be taken, to then playing catch up with use of forgone to then four years in a row of not taking it and then this current year taking forgone. With the \$2.2M use of forgone, it's important to note only \$1.6M of that is ongoing. It rolls off next year when we recalculate the base. Commissioner Holton made comments about the laws governing the use of forgone. Commissioner Van Beek said she knew there was going to be a day of reckoning and she has said this was not sustainable going forward.

Self-Funded Health Trust

There could have been a onetime contribution to help maintain solvency in the health plan trust, and to catch up on deferred maintenance to being current with the maintenance schedule, and there could have been a burner fund balance and there could have been some modest increase in personnel addition and salaries. Commissioner Holton said the decision isn't before us, it's already been previously made and we are behind the 8-ball in a very untenable situation.

Changes to PERSI Rates

Auditing Supervisor Sarah Winslow said the PERSI rates will increase in July of 2024 and will affect this year's budget which was planned for, but it will also affect next year's budget. The employer's contribution for Class 1 employees go from 11.18% to 11.96%, an increase of 0.78%; and Class 2 employees will go from 13.26% to 14.65%, an increase of 1.39%. The employee contribution for Class 1 employees will go from 6.71% to 7.18%, an increase of 0.47%; and the Class 2 employee increase will go from 9.83% to 10.83%, an increase of 1.00%. If salaries stay the same for next year the employer's contribution will increase by \$584,137 in next year's budget, and the employee cost across the County will be \$384,652 for a total of \$968,789. The increased rates will

impact the employee paychecks the second week in July 2024. The rates will increase again in July of 2025.

Clerk Hogaboam reviewed what a potential COLA of 1%, 2%, or 3% would cost the County in total and how it's applied based on each fund.

If we are at \$3.5M in new levying capacity (without taking forgone), it would be new construction plus 3%. \$3.5M would be the potential increase into the budget. In 2023 there was a burn down of fund balance throughout the County. The projected fund balance that was presented was off by millions of dollars. The current expense fund balance report from August was \$23.8M and in September it was projected to be \$41M. At the end of February 2024 our fund balance was healthy, but we are on a slight burn rate trajectory through this year so we need to get to some point of stabilization. That could be a discussion later when we talk about fund balance policy.

The justice fund is solvent and stable. Public defense goes to the State of Idaho on August 1, 2024, but we have to house them through 2029 at which time the state will either relocate public defense or they will negotiate with the County some sort of lease arrangement. We have been spending more than we received from outside revenue sources so have public defense has been subsidized to some degree within the justice fund. Those pressures will be removed starting in FY2025.

Two items will move to the Justice Fund:

1. There is a step plan that goes into effect for the Sheriff's Office that will hit the justice fund.
2. We have made our last lease purchase payment on Pod 6 and we need to make a decision about what to do with Pod 6.

There was discussion regarding ancillary expenses we have to keep such as child protection cases and some costs on conflict so the \$2.3M savings will not be a true reflection. Additionally, the Facilities Department and the IT Department will still provide support to the Public Defender Department.

Clerk's Goal for FY2025

Current expense for FY2024 was to burn \$9M of fund balance on a \$45M budget. He hopes to get that to no more than 15% of the budget. There was consideration in this year's budget because there was a deficit it showed that our expenditures exceed our revenue even by taxing the full 3%, levying \$54M still doesn't cover what our ongoing budgetary commitments are and in order to close that gap they would need to lower the payroll budget back down to the beginning of FY2023 in the hope of applying the vacancy factor to the "A" budget (vacancies and the savings). If the County had done that then there would not have been the savings limiting the use of fund balance in the current fiscal year. If you want to move to a stabilization period where you are net neutral we should be budgeting no more than 10% use of fund balance. If you want to save fund balance a little more than you would reduce what you are using as far as cash reserves in the following budget knowing that the fund balance will be growing. It's important to have a plan so you can

explain to people why you are growing fund balance. Clerk Hogaboam wants guidance from the Board on what they want budget workshop schedule to look like. He needs to formally present the Clerk's Suggested Budget in August and he intends to post it on the Auditor's website. The Board will review his suggested budget and arrive at a tentative budget and at the public hearing the Board will do a final budget.

Chairman Holton said it will be at a transparency level that we have not attained before. There were people with opinions that were spinning a narrative that was not true and there were a lot of hours of going over the budgets.

The Clerk's suggested budget may have cuts to what has been asked for, but he's hoping not to do it in a vacuum; he wants an understanding of what the Board's priorities are so that things that are going unfunded align for the most part so the suggested budget is at least an attempt to be funding the priorities in the current fiscal year.

Commissioner Brooks looks forward to working with the Clerk in transparency and putting the taxpayer first. He wants to make sure the Board is involved in the May/June budget workshops with the department administrators and elected officials. The Board plans to hold two rounds of workshops this year.

Commissioner Van Beek had questions for Clerk Hogaboam about the type of information she would like to see including revenue projections and historical information. The Clerk said there will be a year 2 discussion as far as refining how the allocation structure exists. He also said people need to consult with HR on any new position requests. Commissioner Holton said the Board is not interested in having proposals in any manner that hasn't been vetted through HR to make sure the salary range has been researched and is viable for Canyon County.

COO Rast said we have a natural decrease of our revenue and if you look at the property tax draw in PowerPlan it was \$56,665,969 and underneath that is circuit breaker which is over \$1,000,000. The circuit breaker number is actually a part of the current tax draw so his concern is that the extra \$1M was added revenue that should not be there so it's a concern that overall revenue will drop by a \$1M. Clerk Hogaboam said that is correct. They are working on creating the quarterly budget report and showing the revenue and what's being skewed is that specific line. It looks like it's a separate revenue line in addition to the taxes levied, so it would skew the percent if you were to run it that way. The circuit breaker is the state paying part of people's property taxes and it's within the \$56M we are a levying. It's not revenue on top of the \$56M. He doesn't think it was set up to skew what the revenue projections were, he thinks there was interest in capturing what the circuit breaker was as part of the property tax collection. There are other ways of tracking how much was collected from the state via circuit breaker that doesn't require us to segregate it out as its own revenue line in addition to the property tax collection.

The revenue line should be policy we report. He said Treasurer Lloyd wants a realistic revenue projection on interest so we need to have a very open conversation about what that is and how it gets distributed. We also need to discuss what state shared revenues are. He wants to be at 10%-

15% but he doesn't think that will be realistic in this first year. With the fund balance levels being what they are it needs to get stabilized by FY2026 to be closer to the 10%-15% drawdown. At \$9M of a \$43M budget we are at 20%. If we are onboarding \$3.5M and you are committing all \$3.5M in new positions and COLA then we would be burning down fund balance at essentially the same rate. We might be able to tolerate that, but he needs to do more analysis over the current year.

His hope is to not put in \$9M in next year's budget as far as cash reserve drawdown. If we can start moving down to hopefully \$5M over the next two years but that means you're adding revenues without necessarily adding new commitments on the expenditure line and that's just to close the gap and that feels painful because all the new realized revenue increases are mostly going to try to stabilize our budget not, just going into the expenditure line.

COO Rast said we're at a point where we have to look at a capital improvement fund for projects going forward because we're adding an Elections building and an administration building and there are downstream costs for maintenance and improvements and that's another caveat we need to look at yearend savings of this unspent even though we're trying to stabilize into a dedicated fund for those ongoing costs. Commissioner Van Beek said the community is frustrated that we cannot move forward on funding but given the information we heard today with wanting to control the amount of fund balance and given the \$40M that was proposed with the \$20M gap yet to be filled on the suggested budget, how does that mechanism look today for being able to make a payment? Clerk Hogaboam said fund balances right now are healthy, so it's not like the house is on fire. The good news is the justice fund was set up to be stable for FY2024 so when we talk about stabilization of funds we are not talking about every single fund being at the same burn rate, it's current expense that needs to be stabilized.

Commissioner Van Beek asked where the County would be if we took \$40M again and said that is our base? How long until the County is no longer solvent? Clerk Hogaboam said he would have to run projections and it would be dictated by how you distribute the burn across the fund balances because the Board determines how much it levies for each fund and how much cash reserves you will burn in each fund but, yes, that would be significant. We ended FY2023 with \$26M in current expense fund balance and that was with taxing \$40M. All \$40M didn't go just into current expense, the biggest recipients of property tax are current expense and the justice fund as far as how it's allocated or received but if we did not even tax the \$40M and if he were to run hypotheticals it would probably be at least \$15M-\$20M less of that \$26M, and you're at that 10%-20% range with fluctuations depending on the year. With the current year we are \$2M-\$3M less than that currently. Our fund balance levels would be low and it would jeopardize our credit rating and there would be a lot of negative things. Commissioner Holton said the reality is you wouldn't survive much more than 18 months and by 24 months you would be upside down so he wants the public to know that carrying a \$40M budget plan forward would break the County in less than 24 months. It was not plausible, it's not workable and it is something this Board inherited. Commissioner Van Beek said with state-mandated services there is not a lot of wiggle room. There is a need to fund capital items and she's been asking for that every year so it's nice we have a Board, Clerk and COO that are on the same page. COO Rast said we are two fiscal cycles

away from shutting services down. We are mandated to provide services so the \$40M baseline is not sustainable. At this rate with inflation costs and operational costs we are not going to have a choice but to try to take new construction and he estimates it will take three fiscal cycles to stabilize. Clerk Hogaboam said the rules today do not allow us to use forgone in the same way we did in the past so the most we're looking at is \$550,000 that can be added to the base to move forward. Commissioner Van Beek said forgone is never seen as a positive move, and what she proposes is to have the stability the Clerk is talking about. Clerk Hogaboam said the \$56M is not going to grow by 3% and new construction is dropping back down. 3% would just be refilling the bucket because the use of forgone to get to \$56M rolls off and you have to refill it.

No Board action was required or taken as today's meeting was held for information purposes only. The meeting concluded at 11:57 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTERS PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (D): INTERVIEW AND CANDIDATE EVALUATIONS FOR THE DIRECTOR OF CONSTITUENT SERVICES

Commissioner Van Beek made a motion to go into Executive Session at 3:33 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding interview and candidate evaluations and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted 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, Assessor Brian Stender, Clerk Rick Hogaboam (left at 4:15 p.m.), Chief Deputy P.A. Carl Ericson, HR Business Partner Jennifer Allen, COO Greg Rast and Director of Constituent Services candidate. The Executive Session concluded at 4:29 p.m. with no decision being called for in open session.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 16, 2024

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- 3C – Clapier Construction Co. in the amount of \$32,780.00 (PO #5999)

APPROVE ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- S&G Retail, LLC dba Eskimo Hut
- Imbibe, LLC dba McCleary's

- Chop Shop, LLC dba Chop Shop
- Aguililla Restaurant, Inc., dba Aguililla Restaurant
- CBOCS West, Inc., dba Cracker Barrel #683
- Texas Roadhouse Holdings, LLC dba Texas Roadhouse

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

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Alex Klempel, Interpreter Coordinator Grace Almeida (left at 9:36 a.m.), Director of Court Operations Jess Urresti (left at 9:36 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Independent Contractor Agreements for Interpreter Services with Sunita Mody, Baldave Singh, and David Utter: Ms. Klempel confirmed that these are the standard interpreter agreements and Ms. Almeida spoke about how interpreting services have changed in recent years. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the Independent Contractor Agreements for Interpreter Services with Sunita Mody (agreement no. 24-033), Baldave Singh (agreement no. 24-034), and David Utter (agreement no. 24-035).

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

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 9:36 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. Commissioner Brooks took a roll call vote where he along with Commissioner Van Beek voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson and Deputy P.A. Alex Klempel. The Executive Session concluded at 9:40 a.m. with no decision being called for in open session.

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:31 a.m. to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, HR Business Partner Jennifer Allen, Director of Juvenile Detention Sean Brown, Assistant Director of Juvenile Detention Shawn Anderson, U of I County Chair Tasha Howard (left at 10:35 a.m.), Director of Misdemeanor Probation Jeff Breach (left at 10:39 a.m.),

Compensation and Benefits Analyst Bosco Baldwin, Interim HR Director Rich Soto and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a resolution adopting changes to the job title and job description of one (1) position with the County Agent: This change of job title from Sr. Administrative Specialist to Office Coordinator and job description is to more clearly reflect the job actually being done. There is no change to the salary or salary grade. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution adopting changes to the job title and job description of one (1) position with the County Agent (resolution no. 24-062).

Consider a resolution adopting changes to the job title, job description, salary grade and FLSA status of one (1) position in Misdemeanor Probation: This will change one job title from Administrative Supervisor to Office Manager, salary grade from 15 to 14 and non-exempt to exempt. There is no salary impact with these changes. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution adopting changes to the job title, job description, salary grade and FLSA status of one (1) position in Misdemeanor Probation (resolution no 24-063).

Consider a resolution adopting changes to the job title and job description of one (1) position in Juvenile Detention: This will change one job title and description from Juvenile Detention Officer to Security Control Specialist. The salary and salary grade remain the same, however, there is a change from Rule of 80 to Rule of 90 retirement which will be a bit of a cost savings. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution adopting changes to the job title and job description of one (1) position in Juvenile Detention (resolution no. 23-064).

Commissioner Van Beek moved to adjourn the meeting.

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

RESCHEDULE PUBLIC HEARING: APPEAL BY SANTIAGO GOMEZ OF CASE NO. AD2023-0133 REGARDING THE DENIAL OF AN ADMINISTRATIVE LAND DIVISION, CASE NO. AD2023-0133-APL

The Board went on the record today at 1:46 p.m. to reschedule the public hearing concerning Case No. AD2023-0133-APL, the applicant, David Ferdinand, representing Santiago Gomez, is appealing Case No. AD2023-0133 regarding the denial of an Administrative Land Division regarding Parcel R29035010A. The subject property is located adjacent to 4754 Bennett Road in Kuna. Present were: Commissioners Leslie Van Beek and Zach Brooks and Deputy Clerk Monica Reeves. Due to scheduling conflicts the hearing needs to be moved to a later date. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to continue Case No. AD-2023-0133-APL to May 16, 2024 at 1:30 p.m. The previously noticed written public comment period has expired and will not be extended; however, verbal public

comment will be taken at the hearing on May 16. The meeting concluded at 1:47 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 17, 2024

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Esmeralda Romo, Office Manager, title change, salary grade change and FLSA status change

APPROVE ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- WW Ink LLC dba Rocco's Roadhouse
- Owyhee Motor Sales Inc. dba Owyhee Motor Sales Inc.
- Costco Wholesale Corporation dba Costco Wholesale #734
- County Line Wine Company LLC dba County Line Wine Company
- Mariscos El Viejon LLC dba Mariscos El Viejon
- Stinker Stores, Inc dba Stinker Store #41; Stinker Store #44; Stinker Store #48; Stinker Store #60; Stinker Store #82; Stinker Store #108; Stinker Store #113; Stinker Store #122; Stinker Store #75
- Palace Event Center, LLC dba Palace Event Center

Resolution no. 24-065

MEETING WITH ASSESSOR'S OFFICE TO CONSIDER VARIOUS NEW AND RENEWING PROPERTY TAX EXEMPTIONS UNDER CODES: 63-602P, 602W, 602D, 602P, 602B, 602C, 602E, 602GG, AND 50-2014

The Board met today at 9:32 a.m. with the Assessor's Office to consider various new and renewing property tax exemptions under codes: 63-602P, 602W, 602D, 602P, 602B, 602C, 602E, 602GG, and 50-2014. Present were: Commissioners Leslie Van Beek and Zach Brooks, Business Manager Jennifer Loutzenhiser, Administrative Analyst Helena Thompson, Assessor Brian Stender and Appraiser Supervisor Holly Hopkins (joined at 9:44 a.m.) and Deputy Clerk Jenen Ross.

The property tax exemptions were considered as follows:

63-602B – Religious

31793395 0 Crossroads Community Church
31793399 0 Crossroads Community Church Inc
17544000 0 Melba Friends Church Limited

17537000 0 Melba Friends Church Ltd
 32510010 0 Centennial Baptist Ch Inc
 12514000 0 Ch Of the Nazarene
 13681000 0 Grace Episcopal Ch Of Na
 17607033 0 Canyon County Church of Christ Inc
 30381000 0 Fellowship Baptist Church Inc
 14303000 0 Fairview Church of The Nazarene Inc
 14329000 0 Fairview Church of The Nazarene Inc
 14327000 0 Fairview Church of The Nazarene Inc
 05096000 0 Ch Of God of Prophecy Regional Office Inc
 18689000 0 Middleton Ch Of Naz Inc
 02709000 0 Protestant Episc Ch Of Id

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the exemptions.

63-602C – Charitable

61111023 0 Terry Reilly Health Services (Clinic)
 64941541 0 Terry Reilly Health Services
 64941714 0 Terry Reilly Health Services
 64941543 0 Terry Reilly Health Services
 64941544 0 Terry Reilly Health Services
 64941545 0 Terry Reilly Health Services
 64941540 0 Terry Reilly Health Services
 64941542 0 Terry Reilly Health Services
 61111021 0 Terry Reilly Health Services (Dental)
 64941936 0 Terry Reilly Health Systems
 64941937 0 Terry Reilly Health Systems

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the tax exemptions.

63-602D – Hospitals

64932721 0 St Alphonsus Physician Serv Inc
 64935408 0 Saint Alphonsus Physician Services Inc
 64937538 0 Mercy Physician Cardiology
 64940645 0 Nampa Hospital
 64940651 0 NHP Stars
 64940652 0 NHP OCC Med
 64940654 0 NHP Wound Hyperbaric
 64940655 0 SAMG Nampa Ob Gyn
 64940656 0 General Surgery Nampa
 64940734 0 Saint Alphonsus Regional Medical Center Stars
 64941099 0 Birkeland Maternity Center & Heart Care Center
 64941293 0 St Alphonsus Medical Center Karcher Clinic

64941585 0 Saint Alphonsus Emergency Department Neighborhood Hospital
 64941628 0 Saint Alphonsus Physician Admin Offices
 60664500 0 St Lukes Regional Medical Center
 64936391 0 St Lukes Regional Medical Center Ltd
 64940185 0 St Lukes Regional Medical Center
 64940186 0 St Lukes Regional Medical Center
 64940243 0 St Lukes Regional Medical Center
 64941410 0 St Lukes Regional Medical Center
 64941482 0 St Lukes Regional Medical Center
 64941492 0 St Lukes Regional Medical Center
 64941625 0 St Lukes Regional Medical Center
 64941624 0 St Lukes Regional Medical Center
 64937764 0 St Lukes Regional Medical Center Ltd
 64941679 0 St Lukes Regional Medical Center
 64941896 0 St Lukes Cancer Treatment Center
 31084000 0 Saint Alphonsus Medical Center Nampa Inc
 31084012A0 Saint Alphonsus Medical Center Nampa Inc
 31095000 0 Saint Alphonsus Medical Center Nampa Inc
 31112010 0 Saint Alphonsus Medical Center
 31104011 0 Saint Alphonsus Medical Center Nampa Inc
 31104012 0 Saint Alphonsus Medical Center Nampa Inc
 31096000 0 Saint Alphonsus Medical Center Nampa Inc
 31098000 0 Saint Alphonsus Medical Center Nampa Inc
 31099000 0 Saint Alphonsus Medical Center Nampa Inc
 31099010 0 Saint Alphonsus Medical Center Nampa Inc
 31100000 0 Saint Alphonsus Medical Center Nampa Inc
 30995000 0 St Lukes Regional Medical Center Ltd
 30995011B0 St Lukes Regional Medical Center Ltd
 01649000 0 St Lukes Regional Medical Center Ltd
 30995011 0 St Lukes Regional Medical Center Ltd
 30995011F0 St Lukes Regional Medical Center Ltd
 30995012 0 St Lukes Regional Medical Center Ltd
 01646010 0 St Lukes Regional Medical Center Ltd
 01648000 0 St Lukes Regional Medical Center Ltd
 32043142 0 St Lukes Nampa Medical Center Ltd

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the tax exemptions.

63-602E – Education

60204000x0 US Bank National Association
 64935345 0 Quadient Leasing USA Inc
 64935344 0 Quadient Leasing USA Inc
 64941106 0 TIAA FSB

64940104 0 Greatamerica Financial Services Corporation
 60724001 0 Greatamerica Financial Services Corporation
 60724000 0 Greatamerica Financial Services Corporation
 64941673x0 Greatamerica Financial Services Corporation
 64941394 0 Canon Financial Services Inc
 64933876 0 Canon Financial Serv Inc (WI)
 60686650 0 Canon Financial Services Inc
 00838000 0 College of Idaho Inc
 00841000 0 College of Idaho Inc
 00842000 0 College of Idaho Inc
 00843000 0 College of Idaho Inc
 00845000 0 College of Idaho Inc
 00851000 0 College of Idaho Inc
 03820000 0 College of Idaho Inc
 03955000 0 College of Idaho Inc
 07216000 0 College of Idaho-Campus
 07311000 0 College of Idaho
 07314000 0 College of Idaho
 36822011 0 Canyon Owyhee School Service Agency

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the tax exemptions.

63-602GG – Low income housing

06438106 0 Advocates Against Family Violence Inc
 06438102 0 Advocates Against Family Violence Inc
 35333212 0 Advocates Against Family Violence Inc
 35333236 0 Advocates Against Family Violence Inc
 35129131 0 Advocates Against Family Violence Inc
 32564318 0 Advocates Against Family Violence Inc
 32480180 0 Advocates Against Family Violence Inc
 32504483 0 Advocates Against Family Violence Inc
 06438114 0 Advocates Against Family Violence Inc
 19406000 0 Elderly Opportunity Agency Inc
 38770000 0 Elderly Opportunity Agency Inc
 36243000 0 Idaho Friends Retirement Homes Inc
 12983500 0 Trinity New Hope Inc

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the tax exemptions.

63-602B - Religious

17999000 0 Christian Faith Center Assembly of God Inc.

This is a new church and the Assessor's Office is recommending approval. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the tax exemption.

199280000 Golden Gate Neighborhood Church Inc.

This property was previously exempted and recently gifted from the Baptist church to Golden Gate Church. The Assessor's Office is recommending the tax exemption be granted. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to grant the exemption.

142980000 Fairview Church of the Nazarene

This property will be used as a parsonage for the church and the Assessor's Office is recommending the tax exemption be granted. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to grant the exemption.

317980000 Crossroads Community Church

The Assessor's Office is recommending denial as the parcel is not currently being used for religious purposes. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to deny the exemption for this parcel.

317933940 Crossroads Community Church

Based on research done by the Assessor's Office it appears that a portion of this parcel is being used by a 'for profit' entity, therefore they are recommending only a partial exemption be granted. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to grant a partial exemption.

63-602C – Charitable

148951320 Genesis Community Health Inc.

The Assessor's Office is recommending approval and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to grant the exemption.

136860000 House Next Door Inc.

The Assessor's Office is recommending approval and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to grant the exemption.

160700000 and 160700100 Terry Reilly Clinics/ Community Health Clinics

The Assessor's Office is recommending approval for both parcels and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to grant the exemptions.

63-602E – Educational

178850100 Sage International School

The Assessor's Office is recommending approval and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to grant the exemption.

64942009x0 De Lage Landen Financial Services Inc.

The Assessor's Office is recommending approval and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to grant the exemption.

039560000 College of Idaho

A representative from the College of Idaho has reached out to the Assessor's Office notifying them that this parcel was no longer being used for educational purposes and requested this application be removed. Since it had already been submitted, the Assessor's Office felt the best way to handle would be to officially deny the exemption. Commissioner Brooks made a motion to deny the exemption. The motion was seconded by Commissioner Van Beek and carried unanimously.

63-602W – Site Improvements Associated with Land

This exemption code applies to owner/developers until a home is built and sold. The following applications were received:

- Brighton Development Inc. for Arbor Sub No. 4 (approx. 40-50 parcels) and Arbor Sub No. 5 (approx. 80 parcels)
- Boise Hunter Developers LLC for River Park Estates No. 1 (approx. 100 parcels)

The Assessor Office is recommending approval and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to grant the exemptions. *A detailed list of each parcel is on file with this day's minutes*

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

PUBLIC HEARING – REQUEST BY MARTIN MAESTREJUAN FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R" (CONDITIONAL REZONE - RURAL RESIDENTIAL) ZONE, AND A PRELIMINARY PLAT AND IRRIGATION PLAN FOR FLYING ARROW LANDING SUBDIVISION, CASE NO. CR2023-0006/SD2023-0009

The Board met today at 1:32 p.m. to conduct a second public hearing in the matter of a request by Martin Maestresjuan for a conditional rezone of approximately 27.17 acres from an "A" (Agricultural, 40-acre minimum lot size) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. The request includes a development agreement. The request also includes a preliminary plat and irrigation plan for Flying Arrow Landing Subdivision, consisting of 12 residential lots and 1 private road lot. The subject property is located at 18257 Batt Corner Road, also referenced as Parcel R37244011. Present were: Commissioners Zach Brooks and Leslie Van Beek, DSD Principal Planner Dan Lister, Planning Supervisor Carl Anderson, DSD Director Sabrina Minshall, Deputy PA

Zach Wesley, Martin Maestrejuan, Kurt Smith, Todd Lakey, Pat McCarty, Tanya Robinson, Alan Mills, Samantha Parrott, Camas Villafana, Keri Smith, George Crookham, Daniel Middelhoven, Alex Villafana, Ron Amarel, and Deputy Clerk Monica Reeves.

DSD Principal Planner Dan Lister gave the oral staff report. The first hearing for this case was held on January 18, 2024 where the Board voted to approve the case based on a previous interpretation of the code at the time and it required a second hearing. The Board directed staff to come back with findings of fact and conclusions of law for approval for both cases to be based on Exhibits #8 and #9, which were the initial draft of the FCO's provided to the P&Z Commission for approval that they did not accept. The FCO's provided to the Board, Exhibits #23 and #24, are the approval documents as directed. There are four conditions which remained the same except for the removal of the condition regarding building envelopes. The conditions for the subdivision portion of this case have not changed from the original FCO's. There are 11 conditions. Since the last hearing three letters of opposition were received, as well as one neutral letter from DeRuyter, and one "no comment" letter. Comments were received from Mr. Maestrejuan which included the minutes from the City of Homedale's meeting denying the request to connect to the city well. A comment was received from a neighbor requesting to postpone the hearing and a request to attend the hearing via Zoom, which was declined. On page 2 of the staff report addendum it states George Crookham emailed letters for DeRuyters, but they were actually dropped off. Staff made an error when they said the DeRuyters opposed the request but they are in a neutral position.

The following people testified in support on the request:

Todd Lakey testified the requested rezone conforms to the current comprehensive plan and zoning ordinance and should be approved. The new comprehensive plan designates the property and surrounding area as rural residential, which means it's planned and intended for growth, particularly as a transition between more urban development and more dense development from the city to the south and the agricultural uses further to the north. This area is planned for transition. This property is included in the area of impact for the City of Homedale. Many of those who expressed opposition live on 1-5 acre lots and they seem to advocate for development coming out from the city which means more density and urban-type development which is not consistent with a rural residential designation. The Board's previous approval and analysis were correct and the applicant agrees with the FCO's that are in the staff report. The application is in conformance with both the comprehensive plan and zoning ordinance for the County and for the City of Homedale's (they do not have their own so they use the County's). There is existing rural residential zoning in the immediate area. Mr. Maestrejuan met with the City of Homedale and they went through the water study he prepared and the nutrient pathogen study he completed showing that this property is appropriate for this type of project. The city did not want him to connect to their city well because they prefer to keep that well capacity for the industrial and commercial along Highway 95 and the dense urban development as it comes in the future. Mr. Maestrejuan submitted an application in 2021 which was denied and as part of that denial the counsel he was given was to demonstrate how he complies with the comprehensive plan. Now we have a comprehensive plan that supports the application. Mr. Lakey reviewed the zoning in

the area and said there is an existing pattern of rural residential type lots particularly up Batt Corner Road to the property. The rural residential language in the zoning ordinance is to provide a rural lifestyle in suitable locations like impact areas. The project will bring 11 new residences. Mr. Maestrejuan already lives on the property so it's a really small project with very low impact. There are 7 subdivisions within one mile with 48 lots; the average lot size is 1.07 acres. The comprehensive plan goals and policies support the application. Jacob DeRuyter had previously submitted a letter and we know have the letter provided by Mr. Crookham from Nick DeRuyter that contained his signature stating their position is neutral. The applicant has addressed the technical issues in this case; he performed a water study and a nutrient pathogen study, and the site is appropriate for this development. He has worked with the highway district and they noted there would be no negative impact on Boehner Road and Batt Corner Road. The project will comply with the fire district requirements. Mr. Lakey said the applicant is okay with the inclusion of some of the CC&R provisions and included them as conditions so it provides an avenue for enforcement with the County. This project will have two-acre lots with nice custom homes.

Tanya Robinson has been a Canyon County resident for 15 years and a realtor in the valley for 22 years and she specializes in rural living/agricultural living and she has a big clientele and database that are looking for this rural way of life. There is a demand for this type of project and it is consistent with the area. It helps create balance within the County of not just developing urban and leaving 40-acre tracts of farm ground.

Alan Mills testified some of those in opposition say the project is too early and the applicant should wait until the City of Homedale gets to this property, but it's obvious that if the city gets to the property it would be a denser project and if we follow that line of thinking we would never see a product like what is being proposed today. Some of the people in opposition have very similar parcels to what is being proposed by the applicant. Every comp plan from the 1970s to now has a component to encourage a variety of housing living types and we should allow for those who want to participate in FFA and 4-H and raise their own food and animals to stay in and contribute to Canyon County and have that opportunity. There needs to be a balance of private property rights.

Kurt Smith, the project engineer, testified they submitted minutes from the City of Homedale where they opposed including this project in their water system. He said there is an error on Page 6 of Exhibit #23 which states the preliminary plat includes sidewalks along the private road as requested by the City of Homedale, but the applicant has not included sidewalks. The preliminary plat never showed sidewalks, it only curb and gutter. They have done their research and studies and have worked with the governing agencies and at this time there are no red flags or issues that prohibit them from following all the recommendations and requirements of those agencies as they finish plans and go into construction. Commissioner Van Beek had questions regarding the access and irrigation easement. Principal Planner Lister said the applicant is requesting the County waive requirements for streetlights and sidewalks for the project but staff does not see any requirement for that so it will be up to Board if they want to waive those improvements.

Martin Maestrejuan testified that he grew up on a cattle ranch and agriculture is a part of his lifestyle and it's an opportunity he would love to provide for his son. A 30-acre hobby farm is no different than a 2-acre hobby farm in the sense they are both hobby farms. There is a demand for horse properties and the equestrian lifestyle and the project he proposes to send the conditions to all neighbors within 600 feet showing them what the lot purchasers agree they won't complain about farming and agricultural operations and activities.

The following people testified in opposition to the request:

Samantha Parrot is the Executive Director of the Snake River Sugar Beet Growers Association which represents 700 sugar beet growing families across Idaho, Oregon and Washington. Sugar beets are billion-dollar industry in Idaho. Ms. Parrot is opposed to the conditional rezoning of the property. They recently opened a sugar beet receiving station approximately two miles from the subject property after closing a receiving station in Wilder and Homedale and consolidated them to make a larger receiving station in this area because there were no homes or development around it. The new station called *Fargo* runs 7:00 a.m. Monday through Saturday and there is a lot of noise, lights for safety, and traffic coming in and out of that station. Last fall there were 60,000 tons of sugar beets that were delivered there and with their truck traffic it's roughly about 4,200 sugar beet farm trucks going in and out of the property, and about 1,800 semi-trucks that pick up the beets and deliver them to the Nampa factory. The proposed project is really close to the sugar beet station and it will be disruptive to the residents. The Census of Agriculture showed between 2017 and 2022 that Idaho lost 144,000 acres of farmland. Ag is a huge economic driver but farmland preservation should be one of the highest priorities of the County. Ms. Parrott asked the Board to reject the Maestrejuan proposal.

Camas Villafana testified she and husband farm southeast of the subject property and they have about 500 acres they farm on smaller parcels. She asked the Board to consider the letters of the farmers who are not present today with as much weight as those who are testifying in-person today. The P&Z Commission voted 6 of 6 to deny this request and their main points were from the 8 criteria for a conditional rezone. She reviewed the 8 criteria for a conditional rezone:

Is the proposed rezone consistent with the comprehensive plan? Technically yes, however, there are 3,900 acres as part of that residential rezone for the 2030 comp plan and to develop this one parcel out of that 3,900 acres might be the tipping point for the rest of it to go and that would be very inconvenient for the people who are farming there today.

Is the proposed rezone more appropriate than the current designation? Absolutely not, all of the farms in the area are current businesses who want to keep farming and there are very few additional residences that have been added. The only residence that's been added is Mr. Maestrejuan's current residence on Batt Corner Road, and to her that says this is not trending residential. If he doesn't want to farm the property there are plenty of farmers who would want to farm his 27 acres. Potatoes and onions are grown in the area; there is an onion facility $\frac{3}{4}$ of a mile away; a hop facility is located a $\frac{1}{2}$ mile away and Amalgamated Sugar has property 1-2 miles

away. The DeRuyters are removing their support and are now neutral and they farm a ¼ mile away. To put a new subdivision in the middle of farm ground is not an appropriate use of the 27 acres.

Is the proposed conditional compatible with surrounding land uses? Absolutely not, this is an ag area. There are 124 farmable acres between the subject property and Homedale so to say this parcel should be rezoned would theoretically say the 124 acres before that would need to be residential before you get to that point in order for it to fit into the area of usage.

Ms. Villafana said the State of Idaho passed a new bill to protect agriculture and it is now up to the counties to protect agriculture. We need to protect ag lands and keep this property in agricultural use rather than residential use.

Keri Smith testified that she has been representing the agricultural community for the last year. On the staff report addendum, No. 3 of Page 2, under the decision options include “Sign the ordinance amending the zoning map, Exhibit 26” ... but she said this is not in compliance with CCZO 07-06-07(3) for an order of intent to rezone based on the standards listed in that section. The legal notices were not posted for that and she is certain an ordinance directing a map change was not included in those legal notices to the cities. There was no evidence or testimony received today that refuted evidence in the record regarding impacts to agriculture and the character of this area. One comment was the comp plan talks about variety of housing, and there are policies on the variety of housing, however, the goal and purpose of that comp plan was the importance of agriculture and the economic value it adds to the community. Does the map say residential? It does, but she thinks that is an error because when you look at Exhibits 3. F1 and 3 F2 you can see that the soil map and prime farmland that is all green. This is a predominately agricultural area. When looking at the small vicinity map (Exhibit 3b) there are four large farms over 40 acres that touch this property, and three of the 4 all stated reasons why this will impact their ability to farm. Regarding the criteria that has to be considered, the presiding party shall review the particular facts and circumstances of the proposed conditional rezone. There are 13 exhibits in the record today that specifically call out impacts to agriculture and the changes to the character of the area: Exhibits 5f, 5g, 5j, 5k, 5o, 5q, 5s, and 5t; as well as Exhibit 18, Exhibit 20, and Exhibit 21, and Exhibit 12 if you include the P&Z Commission’s specific findings about the impacts to agriculture, citing the same as staff in their staff report that is still a part of the record that talks about the impacts to agriculture, and Exhibit 11. CCZO 07-06-07(3) states that designation of a parcel of C-R shall not constitute spot zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned to the same. The addendum to support the last Board’s decision directed staff to change those FCO’s to include those conditional rezones. On Page 6 of the addendum, staff cites what those four examples of zoning in that area where he is trying to help the Board establish that this area has changed; however, the first rezone was in 2013 for three lots with an average lot size of 6.16 acres. The 2017 rezone was a classic split by former commissioners during a time when approvals were rampant and it was for 2 lots, a 5-acre parcel and a 16-acre parcel with an ag restriction dedication. The 2020 rezone with 3 lots approved a 16-acre parcel and two 3-acre parcels. There is no consistency, there is no decision that’s on the record in this area other than a comp plan map the

Board has shown concerns with. Commissioner Van Beek asked what it meant to her when the transition area designation was developed. Ms. Smith said it meant ordinances would be put into place to define what that transition area looked like. Right now all you have is a map that has the rural residential designation and you don't have any ordinances that support how those areas will be developed. This Board has not chosen to implement any of those types of things so if you look at the text it is incredibly supportive of agriculture in areas. There is a lot of evidence about the types of row crops and facilities that are doing farming production and so when you look at the text of the comp plan there is a lot of credit towards existing ag areas. Does the map match it? yes, but nothing else does. Commissioner Van Beek asked if she would say that the comp plan was either premature or the ordinance should have come first, or both? Ms. Smith said no, comprehensive plans often get passed first and then staff should have received direction to immediately start working on ordinances to implement the plan. She would have liked them to be done together yes, but there was a lot of discussion from staff on why they did not support that. Commissioner Van Beek said they might disagree on that; the ordinances should have been evaluated and some of those subarea plans looked at. Ms. Smith said that's fine but don't perpetuate the problem with today's decision.

George Crookham read a letter from Dwayne Fisher who is the General Manager of Tamura Farms, Tamura Brothers, and Tamura, Incorporated. They own five field parcels on approximately 165 acres within 200 feet of Mr. Maestrejuan's proposed conditional rezone and subdivision. The farm ground they own grows onions, grain, seed corn, mint, beets, field corn, and most of the area is designated as prime land with class 3 or better soils. It's his understanding the Board reversed the decision of the P&Z Commission and are considering approval today, most of this decision relied on the adoption of the 2030 comprehensive plan which designated the property as rural residential, however, this designation clearly does not consider the existing agricultural users and in his opinion is wrong. Please support the farmers and ranchers in the area and maintain the viability of farming. With the development pressure that has already taken place within a few miles of the subject property they have seen direct impacts to their ag operations. A few years ago Canyon County stopped developing land by conditional use permit and he asked them to stop this same type of development by condition rezoning. A change in use of the land will impact their operations negatively and as already identified in the proposed decisions and findings today this conditional rezone like the other three previously approved will set a precedence for further rezoning of this area. Save this great farmland from development and deny the conditional rezone and subdivision. Direct impacts on agricultural operations in the local area include:

- Residential development in the middle of farmland creates conflicts and imposes new burdens on neighboring ag producers including but not limited to, increased accidents between tractors, farm implements, and vehicles.
- Limits their ability to perform modern innovative and proper farm practices due to housing developments.
- Restricts their ability to grow certain seed crops due to proximity to home gardens.
- Budgets and in turns taxes of the irrigation companies have grown substantially due to labor costs associated with increased population and growth along canal systems.

- Ditch riders used to drive quickly to mitigate dust and now have to drive slow enough so the complaints are kept to a minimum.
- People moving into the area are not familiar with smells, noise, dust, and long hours associated with general farming practices, feedlots, and dairies. Thus complaints about farming are consistently made regardless of the Idaho Right to Farm Act and they must stop work and defend their practices.

Daniel Middlehoven works for Villafana Farms and dreams of owning his own farm someday, and when he sees smaller parcels being sold for subdivisions it makes him sad. He testified about the struggle moving farming equipment on the roadways.

Alex Villafana testified about the nervousness and trauma that has come with moving heavy equipment around the area. He moves a tractor nearly every day on the road and spoke of three incidents he was involved in during the last 2 years. In May of 2022 he was on a tractor on Red Top Road and he was hit by a minivan travelling 60 mph. The cultivator was totaled at a loss of \$60,000. The driver was undocumented and uninsured and gave the police a false insurance card and false phone number. On May 7, 2023 he was driving a tractor and a lady exiting a driveway on Boehner Road ran him off the road. On March 8, 2024 he was rear-ended while driving a pipe trailer on the corner of Boehner Road and Fargo Road, a quarter of a mile away from the subject property. Mr. Villafana spoke about House bill 608, which is an ag protection bill recently signed, and Todd Lakey voted in favor of the bill to protect Idaho farmland.

Ron Amarel testified that he respects the comprehensive plan and the Idaho way of life. The comprehensive plan is meant to be executed over time, but based on the character of the surrounding area this development is premature. It's spot zoning or leapfrogging and the effects of that and the stress placed on farm practices are real, and in some cases, it eliminates farmland. Maybe not everyone understands isolation distances, but when you leapfrog and go a ¼ mile and then put in small farms you are eliminating all the land around it for at least one mile, and some of the isolations in seed production are three miles. It has a tremendous effect on farmland. He said they are tracking the process of zone changes and the database is showing the reduction in acreage. He asked the Board to not rezone the County, the economy, ag businesses into bankruptcy.

Rebuttal testimony was offered by Todd Lakey who said the application conforms with the comp plan and zoning ordinance for Canyon County and the City of Homedale. Those in opposition want the Board to ignore the location of the property and the fact that it's in the impact area and it is designated in the comprehensive plan and rural residential. The rural residential designation is for transition between city and agriculture, but with higher density residential and that essentially eliminates you're the rural residential designation in the comprehensive plan. There is existing rural residential development in the area so the impacts that some in opposition discussed are already there and those operators are still operating. The technical reviews have been done. The highway district noted that there would be no negative impact on traffic patterns. You cannot assume that the people who buy these properties are going to be illegal aliens who don't driver's licenses or are going to drive poorly. The beet dump was put in place after the comprehensive

plan was approved. The comprehensive plan, however, is still part of the character of the area and it designates this as an impact area. This is a small project with only 11 lots so it's a negligible impact to the character overall with minimal traffic and safety concerns. Two individuals raised the ag preservation bill so he will mention it briefly. The bill was sponsored by Farm Bureau and it is completely voluntary and it is not a government mandate that somebody preserve their farm ground. It says those that choose to apply to have that designation which ultimately has to be approved by the Board of Commissioners that their designation cannot impact anybody else. Use of the ag preservation bill against him or his testimony is inaccurate; they don't understand the bill. The area is appropriate for transition under the zoning ordinance and the comprehensive plan. Following his testimony, Mr. Lakey responded to questions from Commissioner Van Beek. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. The Board had follow-up questions for Principal Planner Lister who provided the following information:

History

In 2021 the Board denied the request for a comprehensive plan map amendment and conditional rezone and platting and the denial was based on the 2020 comprehensive plan where it was in the city's impact area but our designation showed it to be agriculture. The 2030 comp plan was adopted showing the rural residential designation. This application started with the P&Z Commission, and staff recommended approval because they could make the findings. The P&Z Commission found it did not comply with those findings and staff revised the findings based on the request of the P&Z Commission. Those findings were recommended to Board and at the hearing on January 18, 2024, those findings of fact, conclusions of law were provided to the Board based on the P&Z Commission's recommendation and the Board wanted to approve the request.

The First Three Criteria

How did staff make positive findings for those? How were those findings made? They showed the area had other uses, but they also defined a lot of those uses were there from the 1970s that made that area commercial or residential. They also identified there wasn't much growth since that point but there are existing uses out there. They identified the 6 decisions that did occur; 2 were full rezones and the rest were conditional rezones and a lot of the conditions that were applied were based on the conditions that were applied in other cases. They also identified that it is still agriculture and it may be premature, but staff found it is similar to the area due to the existing decisions that had been made in that location.

The Board deliberated on the conditional rezone criteria in accordance with CCZO 07-06-07(6). They found the proposed conditional rezone is generally consistent with the comprehensive plan because it was included that designation with the change from 2020 to 2030. It's in the area of impact and it has the zoning designation and it aligns with the comprehensive plan map.

The proposed conditional rezone is more appropriate than the current zoning because it refers back to the comprehensive plan and previous land use decisions in the area. Dave Christensen held the property where Timberstone Golf Course is located which is 3 miles away. The DeRuyters have a feed operation out there and it is bordered on the south by Cherry Hill Farms. According

to the comprehensive plan the Board is to recognize each land use application is unique and agricultural and nonagricultural uses may be compatible and coexist in the same area and in some instances require conditions of approval to promote compatibility. Noah's Landing Subdivision has one-acre lots and is zoned R-1 and is less compatible than what Mr. Maestresjuan is proposing with 2-acre parcels that match the rural residential designation. Within one mile of the subject property there are 7 platted subdivisions and 48 lots.

Does it negatively affect the character of the area? There are aspects of custom home developments that are enhancements. The Board supports staff's findings and wants to eliminate any possibility of secondary dwellings to double the number of dwelling units on the property.

Will adequate Facilities and Services be provided? Yes, the Board is in concurrence with the findings. The applicant has done their due diligence; the City of Homedale is reserving their capacity. In the absence of reliance of city services which would increase the density that would change the nature and character of the area and to some extent Mr. Lakey's comments that it appears to be an elimination of any rural lifestyle to say that the city services have to accommodate. High density would change this area. There would have to be individual wells and septic.

Does it require public street improvements to provide adequate access to minimize interference with traffic patterns? Golden Gate Highway District has said the lots have legal access and that no undue interference with existing or future traffic patterns will be created by this project. The Board finds legal access does exist.

Will the proposed rezone impact essential public services and facilities, and what measures will be implemented to mitigate impacts? Wilder Fire provided comments and there is supposed to be review of the turnaround points; neither the Homedale School District nor the Canyon County Sheriff's Office provided comments. This is an 11-lot development.

Commissioner Van Beek said the Board is trying to bring balance on property rights, but we are still working through some of the issues. In the process of evaluating the comprehensive plan, she saw 19 letters from farmers in the Middleton area representing more than 19,000 acres and so the one thing that seems missing in this is what it looks like from the farmers side when they're at the end of their farming career.

Principal Planner Lister said the preliminary plat includes curb and gutter along the private road, but not sidewalks. The Board could acknowledge the waiver of sidewalks and the correction that staff did not mean to include sidewalks in the report. Commissioner Brooks is in favor of not requiring sidewalks because they have a high-density feel but this development is rural in nature.

The Board reviewed the conditions of approval. Commissioner Van Beek said when this was denied there was not a definition of the phrase *not yet* and at that time it was agriculture under the 2020 comprehensive plan and if there was a mistake and this was overlooked, it was not timely. It says we did not evaluate the plan carefully enough or we were comfortable enough with

going back and living with the fallout on either side. These are messy, and she said she lobbied for a deeper dive than what we got.

Planner Lister clarified that in the findings staff stated there are six similar decisions, but the findings show four. Three and four go into the first surrounding subdivisions approved in that location. The similarities were based on conditional rezones, but as part of the assessment they went over the different ones in that location which total seven, but he only counts six because one was denied in 2021.

Commissioner Brooks is in favor of moving forward because he has seen nor heard anything to change his opinion from the first hearing. Commissioner Van Beek said the County is in need of looking at what's been done historically and balancing that with where we are going for the future of Canyon County. We are trying to represent and work with a document that is incomplete. What was stated at the 2021 hearing was that it had to meet the comprehensive plan on what it would take to gain approval. The term *not yet* is not defined in the 2030 comprehensive plan, and it's not the only definition that's missing. There is evidence of this type of transition between largescale diversified agriculture and a property owner's right who is not going forward and she is ready to move forward with the findings that have been presented today. Commissioner Brooks made a motion to approve the conditional rezone to allow the subject parcel to be amended from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone - Rural Residential) Zone based on the FCO's for Case No. CR2023-0006, and that the Board sign the FCO's, the development agreement, and the ordinance amending the zoning map. Sidewalks for the development are not required but curb and gutter will remain intact. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Brooks support staff's recommendation of the FCO's for the preliminary plat. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the preliminary plat and sign the FCO's for Flying Arrow Landing Subdivision, Case No. SD2023-0009, subject to the conditions of approval as recommended with the amendments stated on the record by DSD Principal Planner Lister. The signed FCO's as well as the development agreement (No. 24-036) and the ordinance (No. 24-003) are on file with this day's minute entry. The hearing concluded at 3:25 p.m. An audio recording is on file in the Commissioners' Office.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 18, 2024

APPROVED PAYROLL

- The Board approved the April 19, 2024 payroll in the amount of \$2,293,998.04

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Martha Ortega, Clerk I, underfill
- Randee Schlapia, promotion to Clerk III
- Debra Stufflebeam, promotion to Area Supervisor

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- JM Assets LLC dba Garbonzo Pizza
- Smoky Mtn Pizza & Pasta Nampa LLC dba Smoky Mountain Pizzeria Grill
- JLC 2 Inc. dba Idaho Pizza Company
- JLC Corporation dba Idaho Pizza Company
- JLC 9 Inc. dba Idaho Pizza Co.
- Walmart Inc. dba Walmart #4494; Walmart #4180; Walmart #2781; Walmart #2780; Walmart #3739

(Resolution no. 24-067)

MEETING TO CONSIDER AN ACTION ITEM:

The Board met today at 9:45 a.m. to consider an action item. Present were: Commissioners Leslie Van Beek and Zach Brooks and Deputy Clerk Jenen Ross. The action item was considered as follows:

Resolution approving an alcoholic beverage transfer license for Darice Feigel dba The Undiscovered Barrel: Commissioner Brooks stated that he has reviewed the application and it appears the business has moved locations. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution approving an alcoholic beverage transfer license for Darice Feigel dba The Undiscovered Barrel (resolution no. 24-066).

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

PUBLIC MEETING (NOT A PUBLIC HEARING) TO CONSIDER AN ORDINANCE OF CANYON COUNTY, IDAHO, AMENDING CHAPTER 1, ARTICLE 17: LAND USE/LAND DIVISION HEARING PROCEDURES; OF CANYON COUNTY CODE OF ORDINANCES; AND SEVERABILITY CLAUSES; AND AN EFFECTIVE DATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 10:31 a.m. for a public meeting (not a public hearing) to consider an ordinance of Canyon County, Idaho, amending chapter 1, article 17: land use/land division hearing procedures; of Canyon County code of ordinances; and severability clauses; and an effective date and to consider an action item. Present were: Commissioners Leslie Van Beek and Zach Brooks,

Deputy P.A. Zach Wesley, DSD Planner Sabrina Minshall, Associate Planner Arbay Mberwa, Communication Specialist Chad Thompson, Interested community members and Deputy Clerk Jenen Ross.

Commissioner Brooks provided a review of the steps that have been taken on this ordinance as follows:

- 12/14/23: A public meeting/ Board workshop was held but was continued. During that meeting Commissioner Holton clarified the difference between a public meeting and a public hearing and gave explanation as to why this is procedure ordinance in chapter 1 of the county code is not subject to a public hearing.
- 12/20/23: The continued meeting/workshop took place.
- 3/20/24: There was an additional meeting with the revised ordinance. A written public comment period was open from 3/20/24 – 4/10/24. The feedback has been invaluable and provided some insight as to the need for some additional changes for clarity. Eight unique letters were received, one of the eight letters was signed by 15 citizens and another was signed by 6 citizens. DSD staff and legal have reviewed the letters and they will be proposing additional changes to the Board regarding the comments related to clarity and how internal processes can be revised to reduce the time prior to the hearing that written materials can be submitted.
- Commissioner Holton is out of the office today and the Board would like for the full quorum to be present for this discussion and decision.
- The intent of the Board is to post the revised version of the ordinance on the Board's agenda page and on the DSD land use page 48-hours prior to the meeting in which the Board will deliberate.

Commissioner Van Beek moved to continue this matter to April 24, 2024 at 9:30 a.m. The motion was seconded by Commissioner Brooks and carried unanimously.

Commissioner Van Beek motioned to adjourn which carried in a unanimous vote.

The meeting concluded at 10:38 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – APPEAL BY NORMAN AND KATHRYN ALDER OF THE DIRECTOR'S DECISION TO APPROVE AN ADMINISTRATIVE LAND DIVISION ON NONVIABLE PARCELS IN AN AGRICULTURAL ZONE, CASE NO. AD2023-0007-APL (APPEAL OF THE DORGAN/KREIZENBECK CASE)

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of an appeal by Norman and Kathryn Alder of the Development Services Director's decision to approve an administrative land division of nonviable parcels in an Agricultural Zone. The subject property is located on the southwest corner of Can Ada Rd and Bonita Ln, also referenced as Parcel

R28683010. The original applicant, Orrin J. Dorgan represented by Ramesh Kreizenbeck, applied to divide the subject parcel into three residential parcels. The application was approved on the basis that the parcel consists of land with site constraints and/or resource issues and that the division would not create a negative impact to surrounding agricultural uses, per Canyon County Zoning Ordinance §07-18-09(5). Present were: Commissioners Zach Brooks and Leslie Van Beek, DSD Associate Planner Maddy Vander Veen, Planning Supervisor Carl Anderson, Deputy PA Zach Wesley, Assistant DSD Director Jay Gibbons, Kathy Alder, Norm Alder, Becky Alder, Michelle Hansen, Barbara Kerr, Ethan Hansen, Toby Arnold, Alison Arnold, Jon Stosich, Crystal Parkinson, Justin Parkinson, Dowanna Cox, Larin Cox, Jake Lords, and Deputy Clerk Monica Reeves.

Associate Planner Maddy Vander Veen gave the oral staff report. The original case was approved on August 2, 2023. The appeal was filed by Norman and Kathryn Alder on August 21, 2023. The original 20-acre parcel was divided into two parcels via Case No. AD2018-0129. The resulting 13-acre parcel from that case was approved to be divided into three parcels via Case No. AD2023-0007, a nonviable land division. The resulting three parcels will be served by a new private road off Bonita Lane. The private road name application was submitted but it is currently on hold during this appeal. The application stated the property has a lack of water rights, rocky terrain, and sub-quality soil. Per the Canyon Soil Conservation District's soil suitability map, the parcel contains class 3 moderately suited soils. The property has not been used for crop production based on historic aerial imagery. There was a review of agency comments and public comments. The case was approved with eight conditions of approval. Ms. Vander Veen addressed the questions that came during public comments:

- Canyon County Zoning Ordinance §07-10-03 requires private roads to be paved once they serve more than 10 single-family residences, and this must be met prior to receiving a certificate of occupancy on the 11th residence using the road.
- The specifics of who pays for the improvements are up to the property owners and the road users maintenance agreement. Currently Bonita Lane is used by five residences, and if the property is divided, it would increase the potential number of residences to 14.

The following people testified in favor of the appeal and in opposition to the Dorgan/Kreizenbeck application:

Kathy Alder testified that she is opposed to the division of the property because it is a viable parcel that has good productive soil that can be farmed. The only thing it lacks is water, but she said when someone drills a well for their home they can get water from the Idaho Department of Water Resources. She was not opposed when the parcel was first divided because it was meant to be larger acreages so it would coincide with agriculture. Mrs. Alder said the County ordinance conflicts with the definition in §07-02-03: viable farmland - land that can produce marketable farm animals or crops. Nowhere does it ask if it can have farm animals, or has it had farm animals; but the subject property has farm animals on it today and according to the definition, that makes the land viable. The Alders are experts on the viability of the land because they have farmed for over 50 years, and their grandparents homesteaded in Melba and their son is currently farming the

ground. Mrs. Alder said the County's ordinance is causing conflict throughout the valley because there are numerous places where people think they can easily divide their property and consequently the neighbors are not happy and so there is a lot of conflict. With the ordinance there was no requirement for a neighborhood meeting or signage, so people did not know the director was making a decision. The end of the ordinance says this is a onetime only division and once a nonviable parcel in an agricultural zone has been approved there will be no further administrative land divisions. She said in 2019 the people who live on Bonita Lane were told there would be no more divisions. The Parkinsons wanted a division for their parents, and they were told there were not any divisions available, and so she questions how this case was approved and given three divisions. She said corrections need to be made to the ordinance which coincides with viable farmland as defined in the Canyon County Zoning Ordinance §07-02-03 in the fact that farm animals are considered. Commissioner Van Beek said the ordinance section Mrs. Alder referenced is §07-18-09(9), and it references the onetime only division.

Norm Alder testified that he farms south of the proposed subdivision and he is very familiar with the area. His shop is located at the corner of Can Ada Road and Baseline Road and in that intersection there are roughly 7.25 milk trucks that come by daily. Milk trucks carry 8,600 gallons of milk and are allowed to carry 76,000 lbs. on the highway. Each truck carries almost \$10,000 worth of milk and so in a year's time there is \$26,398,999 in milk coming into the valley. He spoke of the various seed crops in the area noting that every fall millions of dollars come from the Melba valley. Mr. Alder said the subject property can be just as productive as all the land on all four sides of it.

Becky Alder testified that she and her husband farm the land to the south and she spoke about the difficulties they have had with people moving to the area and causing conflicts with agriculture such as dogs chasing cows, complaints about pesticide use, and the difficulties of moving farm equipment on the roadways with increased traffic. She is concerned the new lot owners will want additional splits.

Michelle Hansen lives on Bonita Lane and she is opposed to the subdivision of the property for several reasons. When they moved to the area they received 8 acres of water rights for 14 acres and they drilled a well. Her property is not flat, and it is far rockier than the subject property, but they have three acres of pasture and have raised marketable steers and pigs. They also have horses and fruit trees. The soil needs some tending but it is viable for agricultural purposes. Bonita Lane is a private lane with a road users' maintenance agreement but none of the users were notified of this division which puts an additional lane onto the road they have agreed to maintain. If the County wants to approve the split it must create a road onto Can Ada Road not onto her private lane. The new landowners are not a part of that agreement once they sell that property so the burden of maintenance falls on those who own the property and not on the developer nor those he plans to sell to. Ms. Hansen said they do a great deal of maintenance and they do not want additional traffic on the road because that landowner has done nothing to maintain the road.

Barbara Kerr lives on Bonita Lane behind Michelle Hansen and she supports the appeal by the Alders. Their ground is rockier and more uneven than the subject property and they have been

able to have a pasture and raise animals. People with smaller divisions do not understand what it takes to live in a farming area.

Alison Arnold lives at the end of Bonita Lane and she agrees with the Alders appeal. They have water rights and plan to put in pasture and raise cattle on their property. Regarding the road, they cannot enforce anything until the building permit for the 11th house is applied for and that permit requires they have to pave the road. There are five houses now and if three more get built that brings the total to eight and it's very possible some of the original six parcel owners will be required to have that very heavy financial burden of paving a road before they can build a house. There is one parcel that doesn't have a primary residence on it yet and she would feel horrible if they happen to be the 11th house that ends up with the financial burden. Ms. Arnold said the ordinance needs to be changed so those impacted by a shared private road will be notified about land divisions. She did not know anything about this division until the Alders appealed it.

Jon Stosich testified he agrees with the comments made in opposition to this viable land division. He farms ground to the west of the subject property and was part of the original developers of the six-lot development where they created large agricultural parcels, via administrative land divisions, to coincide with the area. This is really good farm ground and it has been permitted eight acres worth of water rights. When they originally put this together the County said if you have more than five lots because of the ability to put a mother-in-law quarters or a secondary residence the road would have to be paved. There was a deed restriction on the fifth lot and sixth lot so that if everybody built a secondary residence there wouldn't be the issue of who will pave the road unless at that point it would have had to be a full plat process in order to get any of the parcels divided and at that time they would have made them pave the road. The County thinks it looks like a viable piece of ground to apply the ordinance to but the neighbors are completely opposed to it. He said it could be divided in half with deed restrictions but according to DSD they cannot enforce the deed restrictions so we're back to square one that says it needs to stay as-is.

Crystal Parkinson lives on Bonita Lane and her property is adjacent to the subject property. She was not notified when the applicants applied for their split, but she heard about it from a neighbor but it was past the time to submit a letter. The notice was mailed to her previous address in Kuna that she has not owned for three years. She said the land is viable. She owns a small dairy and has a business where she sells milk, yogurt, and ice cream so she disagrees with the nonviable designation. Her sister owns property at the end of Bonita Lane and if she happens to be the 11th home she will have to pay for the road to be paved which is unfair since they were some of the first purchasers of the property and now the three new buyers will get to use the road without having to deal with any of the paving.

Justin Parkinson testified that he agrees Crystal Parkinson's comments. He said the land is viable and he spoke about how a neighbor changed a dirt bike track into farmland.

Dowanna Cox testified that before they purchased their property her husband wanted to see if their daughter (Crystal Parkinson) could split her lot and they were told they needed to go through the hearing process. They bought some property after building their home they found out that Mr.

Orwin was allowed to divide his land without the due process she and her husband were told they had to go through. Mrs. Cox said the road maintenance issue seems so vague and if her daughter, Camille Thompson, were to build a house on Bonita Lane, how would they enforce who has to pay have the road paved?

Larin Cox testified in favor of the appeal and on behalf of his daughter, Camille Thompson, owns the lot at the end of Bonita Lane. He agrees with the testimony that has been given so far. His daughter and her husband intend to build on their lot which they purchased knowing there were only so many lots and they had a building permit available. The proposed split would add three additional parcels and would make it so that if the Thompsons were the 11th parcel they would be responsible to pave the road and Mr. Cox strongly disagrees with that. They intend to build a home and use their approved water rights and they want to have pasture and animals on their lot. When the Thompsons bought their lot they were told they would not be responsible to pave the road because they would not have the additional 11th, 12th or 13th permit.

Commissioner Brooks asked if there was anyone who had not signed up to testify, or who had signed up but he missed calling their name? Jake Lords indicated he was here in a neutral capacity.

Seeing no opposition to the appeal, Kathy Alder was invited to make a rebuttal statement. Mrs. Alder said there are water rights on the land and the land is viable and it does not fit the ordinance, and at some point, she wants to discuss the ordinance. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. The Board's deliberation was as follows:

Commissioner Van Beek proposed changes to Finding No. 3 and No. 4 which deal with the constraints and the nonviable. During the comprehensive plan evaluation she did not support it because she did not feel it was vetted enough for special areas in the County. We did need an update and there were some changes she tried to provide input on but was disallowed by the former Board chair. This is the second hearing this week where there was an issue of agriculture that the incompleteness, the lack of special attention to areas like the seed capital in America were not considered at the level of evaluation it should have been. She is pro-Ag. To the question of whether the division would create a negative impact to surrounding agricultural uses, what was presented in the staff report, both written and verbal, is that this ground has been inactive and there has been a lack of attention. The other part of the ordinance that needs highlighted is §07-18-09(6) which says deliberate action to withhold agricultural land from productive use strictly to qualify for a land use division pursuant to this section, which is the nonviable section, shall disqualify such land from treatment under this section. The lack of farming given that there is water right, grazing, cattle, and a number of operations in this area, she thinks that is an automatic disqualifier for this parcel. This Board recognizes that that condition in the ordinance where the eleventh house trips the need for a paved roadway needs some work/update. An interruption by putting a residential development in the middle of that would disrupt the community and the longstanding agricultural interests that are represented there. The applicant is not here to represent his interest as an out-of-state developer and given the facts and merits of this case she wants to uphold the appeal and overturn the Director's decision and keep this as agricultural

ground. There is no submission in the application to limit a secondary residence or additional dwelling unit, and she finds that lack of diligence on the part of the applicant to further subdivide and allow additional dwelling units when there are people who purchase ground in good faith that they would not have to be the end-bearer of additional requirements. Commissioner Brooks referenced the lack of a definition for nonviable farmland and said the testimony appropriately summed up the ordinance that appears to have been hastily pushed through about the same time the comprehensive plan was. It lacks definition and when we have the opposite of nonviable farmland and viable farmland actually defined, and then testimony and proof that neighboring properties are participating in the raising of producing marketable farm animals or crops. The Board finds it meets criteria no. 1. Commissioner Brooks finds it that it is compliance with criteria no. 2. Commissioner Van Beek said to the farming community this could be considered a public nuisance if they have to stop aerial spraying so she wants to review that section more carefully. It meets the definition of viable farmland which would mean this does not meet the threshold for being extremely difficult for productive agriculture. The Board does not find support for criteria no. 3. Commissioner Van Beek said there are a number of impacts long-range and she does not find a way to mitigate and anytime we have to start putting a lot of conditions it's a wrong application. There was testimony that Bonita Lane already has a road users agreement and the people are paying to maintain it and so to infringe on that right where it's already being maintained without participating in a cost she finds that somewhat offensive. She has not found a way to mitigate the conditions that would protect the people that are landowners and actively farming. Melba is the heart of seed production in Idaho so to protect that economic industry and preserve what's out there, that is the ask over and over. This is an area where we want to provide special protection with an overlay or make a statement for the record that this needs special consideration. We need to protect the area. In response to a question from Planning Supervisor Carl Anderson, the Board wants staff to cite §07-18-09(6). Finding no. 4 needs to be changed. The Board finds that there is no way to properly mitigate for the number of potential negative impacts to this community at this time. Based on the findings of facts and conclusions of law and order, Commissioner Van Beek made a motion to approve the appeal of Case No. AD2023-0007 and overturn the Director's approval of an administrative land division of nonviable parcels in an agricultural zone for Parcel No. R28683010 as deliberated with instructions for staff to change Findings no. 3 and no. 4 as instructed. The motion was seconded by Commissioner Brooks and carried unanimously. Commissioner Brooks asked Deputy PA Wesley if the Board is required to tell the non-present applicant what they can do to receive approval? Deputy PA Wesley said that provision is applicable to zoning changes, he doesn't think it's applicable to administrative land divisions but he will double check that for the Board's findings and it can be addressed when the Board does the formal findings if there is an issue. Commissioner Van Beek made a motion to adjourn. The hearing concluded at 2:42 p.m. An audio recording is on file in the Commissioners' Office.

There were no meetings held today.

APPROVED CLAIMS

- The Board has approved claims 604679 to 604711 in the amount of \$65,972.58
- The Board has approved claims 604712 to 604759 in the amount of \$75,991.81
- The Board has approved claims 604842 to 604875 in the amount of \$48,636.29
- The Board has approved claims 604876 to 604911 in the amount of \$47,791.12
- The Board has approved claims 604912 to 604935 in the amount of \$24,375.00
- The Board has approved claims 604936 to 604988 in the amount of \$715,639.28

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Liberty Lounge to be used on 4/25/24 through 4/27/24
- Legends Sports Pub & Grill to be used on 5/4/24

ALCOHOLIC BEVERAGE LICENSES

The Board approved the following alcoholic beverage licenses for renewal:

- Esperanza Market LLC dba La Esperanza Market
- Dos Caminos Mexican Restaurant LLC dba Dos Caminos Mexican Restaurant
- Fred Meyer Stores Inc. dba Fred Meyer #226
- Holy Cow Idaho, LLC dba Holy Cow!
- City of Caldwell dba Fairview Golf Course
- City of Caldwell dba Purple Sage Golf Course
- Galimofre, LLC dba Italianesque
- Destination Caldwell, Inc., dba Destination Caldwell
- Darice Feigel dba The Undiscovered Barrel
- Montucky Brewing, LLC dba White Dog Brewing Co.

Resolution nos. 24-068 and 24-069

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 22, 2024

No meetings were held today.

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dell in the amount of \$26,184.96 for the Information Technology Department (PO #6000)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Trevor Heim, Deputy Sheriff -Transferring to CID
- Zachary Koreis, Corporal in Pre-Trial transferring to Training
- Sharee Wright, Deputy Sheriff in Inmate Control promoting to Corporal
- Hunter Zimmerman, Deputy Sheriff adding K-9 pay

ALCOHOLIC BEVERAGE LICENSES

The Board approved the following alcoholic beverage licenses for renewal:

- Pantera Market 4 Inc., dba Pantera Market #4
- ADI Capital, LLC dba Nampa-ADI
- City of Nampa dba Ridgecrest Golf Club
- G&G Investments Idaho, LLLP dba Bud's
- Kerry Hill Winery, LLC dba Kerry Hill Winery
- Nampa Lodge #1389 BPOE, Inc., dba Nampa Elks Lodge #1389

(Resolution no. 24-074)

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:30 a.m. to consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton, Code Enforcement Supervisor Eric Arthur, Principal Planner Dan Lister (left at 10:39 a.m.), Associate Planner Arbay Mberwa, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, Code Enforcement Officer Gary Westerfield, Sr. Administrative Specialist Pam Dilbeck (left at 10:39 a.m.), Representative for E&D Subdivision (left at 10:36 a.m.), Building Official Tom Crosby, Building Permit Cassie Lamb, Office Manager Jennifer Almeida (arrived at 10:36 a.m. and left at 10:39 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing final plat for E & D Subdivision, Case No. SD2023-0020: Mr. Lister gave a history of this case stating that all signatures have been obtained and all conditions have been met. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the final plat for E&D Subdivision, case no. SD2023-0020.

The Board recessed from 10:32 a.m. to 10:36 a.m.

Consider release of certificate of noncompliance for 23941 Freezeout Rd. Caldwell (Parcel no. R22072): Mr. Arthur provided a history on this case. A certificate of non-compliance was signed about 18 months ago, and while there are still some issues that exist the certificate of non-compliance is holding up the sale of the property. Mr. Arthur said he has no reason to believe if the certificate of non-compliance is removed that the remaining violations won't be brought into compliance as sale of the property is contingent upon it being brought into compliance. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to release the certificate of non-compliance for property located at 23941 Freezeout Rd. (Parcel no. R22072).

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

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 10:39 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner Holton. Commissioner Holton took a roll call vote where he along with Commissioner Van Beek voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton and Leslie Van Beek, Code Enforcement Supervisor Eric Arthur, Associate Planner Arbay Mberwa, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, Code Enforcement Officer Gary Westerfield, Building Official Tom Crosby and Building Permit Cassie Lamb. The Executive Session concluded at 11:09 a.m. with no decision being called for in open session.

The executive session was continued to 1:00 p.m. today. The Board took up the last action item as follows:

Consider code enforcement abatement for property located at 18774 11th Ave N., Nampa (Parcel no. R34437010): An estimate of not-to-exceed \$8800 was provided to the Board and upon the motion by Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to approve the abatement for property located at 18774 11th Ave N., Nampa (parcel no. R34437010).

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 11:15 a.m. to consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a resolution granting a new license to TL Original Inc. dba Pho 7 & Ding Tea and a new license to Boise Babes LLC dba The 112: Commissioner Van Beek noted that both applications meet the standard requirements and made a motion to approve the new licenses for TL Original Inc. dba Pho 7 & Ding Tea (resolution no. 24-070) and Boise Babes LLC dba The 112 (resolution no. 24-071). The motion was seconded by Commissioner Holton and carried unanimously.

The meeting concluded at 11:16 a.m. and an audio recording is on file in the Commissioners' Office.

CONTINUED EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 1:05 p.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner Holton. Commissioner Holton took a roll call vote where he along with Commissioner Van Beek voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Brad Holton, Commissioner Zach Brooks arrived at 1:37 p.m., DSD Director Sabrina Minshall, Building Permit Supervisor Cassie Lamb, Code Enforcement Supervisor Eric Arthur and Building Official Tom Crosby. A brief recess was taken from 1:31 p.m. to 1:32 p.m. The Executive Session concluded at 1:50 p.m. with no decision being called for in open session.

CONTINUE PUBLIC HEARING: REQUEST BY SHAWN AND RAE LYNN KELLEY FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R-1" (CONDITIONAL REZONE – SINGLE FAMILY RESIDENTIAL), CASE NO. CR2022-0033

The Board went on the record today at 1:31 p.m. to continue the public hearing request by Shawn and Rae Lynn Kelley for a conditional rezone. Present were: Commissioners Leslie Van Beek and Brad Holton, DSD Director Sabrina Minshall, Building Permit Supervisor Cassie Lamb, Code Enforcement Supervisor Eric Arthur, Building Official Tom Crosby and Deputy Clerk Jenen Ross. Commissioner Holton made a motion to continue the hearing to Monday, May 6, 2024 at 1:30 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 1:32 p.m. and an audio recording is on file in the Commissioners' Office.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 24, 2024

APPROVED CLAIMS

- The Board has approved claims 604989 to 605012 in the amount of \$126,303.71
- The Board has approved claims 605013 to 605051 in the amount of \$14,802.50

- The Board has approved claims 604762 to 604801 in the amount of \$110,704.36
- The Board has approved claims 605052 to 605096 in the amount of \$79,749.04
- The Board has approved claims 605097 to 605145 in the amount of \$21,035.82
- The Board has approved claims 605146 to 605151 in the amount of \$12,253.85
- The Board has approved claim 605152 in the amount of \$416.00
- The Board has approved claims 605153 to 605154 in the amount of \$704.00
- The Board has approved claims 604802 to 604841 in the amount of \$54,105.96

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for:

- Diana Hoffman, Office Coordinator for the County Agent - job title change

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Mesa Downtown LLC dba Mesa Tacos & Tequila
- Scoria Vineyards & Winery LLC dba Scoria Vineyards & Winery
- GMRI, Inc. dba The Olive Garden Italian Restaurant #1731
- Firehouse Sports Pub & Pizza LLC dba Firehouse Sports Pub
- Nampa Hospitality LLC dba Best Western Plus

(Resolution no. 24-072)

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit to be used as follows:

- O’Michael’s Pub & Grill to be used on 5/24/24

PUBLIC MEETING (NOT A PUBLIC HEARING) TO CONSIDER AN ORDINANCE OF CANYON COUNTY, IDAHO, AMENDING CHAPTER 1, ARTICLE 17: LAND USE/LAND DIVISION HEARING PROCEDURES; OF CANYON COUNTY CODE OF ORDINANCES; AND SEVERABILITY CLAUSES; AND AN EFFECTIVE DATE

The Board met today at 9:31 a.m. for a public meeting (not a public hearing) to consider an ordinance of Canyon County, Idaho, amending chapter 1, article 17: land use/land division hearing procedures; of Canyon County code of ordinances; and severability clauses; and an effective date. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, Claudia Haynes, Ron Amaral, George Crookham, Gerri Smith, other interested citizens, Erin Banks-Rusby with the Idaho Press and Deputy Clerk Jenen Ross.

Director Minshall provided a background of getting to today’s meeting and reviewed the blackline/legislative version of the ordinance.

In January of 2023 DSD held two public workshops to discuss both staff and BOCC concerns related to process and timelines as well as goals for changes of what could be achieved and then proposed process improvements and schedules. The discussion at that time was that they wanted to make sure they were going thru those processes and timelines which in most cases are just process, they are not in ordinances. DSD then worked with legal as to which parts should be in an ordinance to provide clarity and what would be a process.

The “why” or reason for this revision was to have predictability, consistency and fairness for all persons involved in the process; to have more transparency for everyone. Prior to these changes the BOCC, nor DSD, were posting copies of applications or any materials received and there was just a 14-day notice. There was no advance notice or posting prior to this BOCC making those changes. Another point of interest was the quality and process of the applications by the time it made it to the hearing stage but also prior to the hearing so that the public had quality material to review to aid in their testimony. The goal was to have more informed public comments, reduce lengthy hearings, reduce the amount of new information introduced late in the process, and for P&Z to be a vetting body and not a “practice session”. It often seemed that by the time a case was being heard by the BOCC, materials have substantially changed from what was presented at P&Z. In January of last year, direction from the Board was for DSD to begin doing completeness reviews, which they’ve implemented, applications are being posted as well as packets that the hearing body receives. They have also increased their notice of when hearings are posted and mailed in order to help accommodate for the deadlines.

Director Minshall gave a timeline for the review and acceptance of this ordinance –

- First meeting was held on December 14, 2023 – the meeting was then continued to December 20, 2023.
- December 20, 2023 – Continuance of the public meeting which was a workshop session between DSD, legal and the BOCC regarding the first draft.
- March 20, 2024 – Second version of the revised ordinance. At that time a written public comment period was open from March 20th – April 10th.
- DSD staff and legal reviewed the comments received and have worked on a 3rd version of the ordinance incorporating the comments. The 3rd version of the ordinance and comments were then forwarded to the Board.
- A meeting was scheduled for April 17th but due to scheduling conflicts the meeting was continued to today’s date. Most changes are just wording changes or capitalization with the exception of two clarifications which Director Minshall will review.

During the public comment period, 27 comments were received; of those 27, 8 were unique comments - of the 8, 1 was signed by 15 people and 1 was signed by 6 people. The primary concerns were around the perception of fairness in the process between the applicant and appellant vs. those in opposition. Most, if not all the comments, really do not want a written materials deadline prior to the hearing. Their desire is to submit that information at the hearing to rebut any information given by the appellant or the applicant anywhere thru the process. Much

of this is just redefining and change management determining the roles and what information goes into the Board's decision or recommendation made by P&Z.

Comments and questions regarding the ordinance received at the Cookies with Commissioners event on March 20th have been addressed by Director Minshall and COO Rast and can be found on the Open Government/2C Communication portion of the website. Prior to that meeting, Director Minshall along with staff had reviewed many other ordinances of other jurisdictions as well as had conversations with colleagues about what they're seeing. All other jurisdictions that were surveyed are only providing the legally required 14-day notice and posted signs. DSD and the Board by practice have been giving an excess of 41-days' notice to hearing. When you consider the time between mailings, postings and written deadline at 20 days, the time that all that is being posted to the 20-day comment was in excess of the 14 days legally required. However, the legally required and the other jurisdictions, just have the 14 days to whenever their deadline to public hearing is. Canyon County is providing an additional 14-21 days of what was being done in practice. The proposed ordinance being considered today, is actually reducing the 20-day notice to 10 days but even with that the county is still 20-30 days more. The ordinance states that the county abides by the minimum legal notice requirements but it provides there would be policies that give as much additional notice as possible. Director Minshall provided a review of the guidelines set forth by the other jurisdictions she surveyed including the City of Pocatello, Ada County, City of Eagle, City of Nampa, City of Meridian, City of Caldwell and Boise City. Although the timeline changes from jurisdiction to jurisdiction, almost all (except the City of Nampa) has a written or exhibit materials deadline and it is still up to the hearing body as to whether they want to enter it, many do not even reference the admission of a late exhibit or they continue the hearing if there becomes additional information.

Director Minshall addressed Commissioner Holton's question regarding section 7B which refers to '10 days', she explained it was her suggestion to not use '10 working days' as it can be confusing to the public to determine which holidays may or may not count as working days; she also spoke about how the logistics of the 10 days can be accommodated on the back-end by her department.

Major/substantive changes between the draft prior to public comment and the version being reviewed/considered today.

- The term 'materials' was more clearly defined and ensured that the language throughout refers to the materials deadline. The language is as follows: *This term broadly refers to any written comments, documents, exhibits, visual presentations, or similar items that are to be transmitted to the presiding party as evidence for review, regardless of format*
- Term 'final hearing': Since it was only used one time in the ordinance, that section was rewritten so that it was more clearly defined as to what was meant and term was eliminated.
- Director's decision: This term is now only referred to in the appeals section.
- Completeness review: There was a request for this to be more clearly defined but Director Minshall and legal did not feel there was a need.

- 01-17-05, Minimum Requirements for Hearing Cases:
 - Section A: Complete Applications: This provided some additional clarification around what is meant by closure for inactivity and provision of requested items from staff that is needed for analysis against the legal criteria along with rules and responsibilities of parties including applicants, staff and public. Additionally, a statement was included to say that if a case is closed for inactivity, fees will not be refunded. Director Minshall, brought to the Board's attention additional language that has been added in regard to information deemed necessary by the Director, staff's responsibility to make a fair analysis and how burden of proof is the responsibility of the applicant or appellant; staff's job is to simply present the facts of the case, not to be a proponent of either side. The language is as follows: *Staff shall perform a completeness review prior to the official acceptance of an application by the County to determine if the application meets the minimum application requirements of the County. In the event that it is determined that an application is incomplete, the applicant will be notified regarding what is necessary to complete the application and the application returned. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required according to the County's fee schedule. All plans, ordinances or processes in place at the time of the application passes its completeness review and application fees are paid, will apply.*
- 01-17-07, Deadlines:
 - Section A: Minimum Notice: This clarifies the counting of days, specifically it removed some of the detailed steps done by DSD prior to the noticing of deadline because those are procedures. The language is as follows: *Notice of a hearing shall be provided as required by applicable law and ordinance. When practical, staff may provide advance notice in order to provide additional opportunity for review and comment on an application or appeal. Internal policies, procedures and timelines related to noticing shall be developed and implemented as the Director determines is needed. Providing discretionary advance or extended notice shall not alter the minimum notice requirements set by applicable law and ordinance.*
 - Section B: Materials Deadline: The deadline to submit materials has changed from 20 days prior to the hearing down to 10 days which will give the Board approximately 7 days to review the staff report and materials. The language is as follows: *All materials to be transmitted to Presiding Party to be relied on as part of the record must be received by the materials deadline, which shall be at a minimum of ten (10) days prior to the public hearing. Materials received by the deadline will be automatically made a part of the record. This deadline is to provide ample time for inclusion in the staff report packet, hearing body review, and full transparency and access for the public. The submission of late documents or other materials does not allow all parties time to address the material or allow sufficient time for public*

review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

- It is not the role of staff to review all the materials submitted and address it in a staff report. They provide analysis of what they have in the packet and what has been submitted and it is up to the Board to review and decide on merits. Staff reports will become much simpler, more direct to analysis and criteria and not any kind of sense that staff is trying to weigh-in on a recommendation based upon information that comes in at the last minute.
- 01-17-11: Record
 - Section B: Remand: Fees are to be paid by the applicant if a case is remanded back unless it was procedural. The language is as follows: *The Board may remand an application/appeal back to the initial hearing body for reconsideration of their decision if the Board determines that the official record is incomplete, or that the application has had substantial additions, amendments or modifications from the application presented to the Commission, Hearing Examiner, or Director or that procedural steps required were not followed. The taking of additional testimony and evidence on remand shall be limited to those issues stated by the Board as per its written directive. Additional notice shall be required.*

Additional remand fees shall be paid by the applicant/appellant according to the County's fee schedule. Remand fees may be waived for good cause.

If after hearing the new testimony or evidence as directed by the Board, the Commission, Hearing Examiner or Director's decision or recommendation is changed, new recommendations and/or findings of fact and conclusions of law shall be sent to the Board for further action. If the Commission, Hearing Examiner, or Director's decision or recommendation is not changed, supplemental explanation and/or expanded recommendations and/or findings of fact and conclusions of law shall be sent back to the Board for further action.

01-17-13: Decision by the Presiding Party: Clarifies the decision by the presiding party. The language is as follows: *When the record and public testimony has been closed, the Presiding Party shall take the matter under advisement for the purpose of deliberating toward a decision on the record. After deliberating, the Presiding Party may then immediately render a ~~written~~ decision or recommendation complying with applicable law, or may continue the matter to a date and time certain for further deliberation and decision. ~~Provided if the matter is continued, the Presiding Party shall render a written decision within thirty (30) days, unless a shorter period is provided by law, in which case the shorter period shall apply. The commission and the board shall deliberate and make decisions at meetings which comply with the open meetings law, Idaho Code section 74-201 et seq., as~~ The decision or recommendation may be amended from time to time. The conduct a subsequent and administrative action of the Presiding Party hearing examiner and hearing officer are not governed by the open meetings law.*

Director Minshall said that in the version of this ordinance being considered today, there were only a couple of substantive changes as compared to other versions:

- In Section 3 there was capitalization, an internal citation, and language about notice of the hearing shall be required by applicable law and ordinance, going back to state law was added in the most recent version.
- The other change is that remand fees could be waived.

Mr. Wesley explained that there is a legal notice summary if the Board is ready to adopt the most recent version of the ordinance. The ordinance would be effective upon publication of the summary in the Idaho Press newspaper.

The Board offered their comments on the process of updating this ordinance.

Commissioner Holton motioned to accept this draft and approve it as an ordinance today. The motion was seconded by Commissioner Van Beek and carried unanimously (ordinance no. 24-004).

Commissioner Holton mad a motion to approve the summary of the ordinance of Canyon County, Idaho, chapter 1 county administration, article 17: land use/land division hearing procedures. The motion was seconded by Commissioner Van Beek and carried unanimously.

Commissioner Van Beek moved to adjourn the meeting. The motion was seconded by Commissioner Brooks.

The meeting concluded at 11:01 a.m. and an audio recording is on file in the Commissioners' Office.

COUNTY CLERK'S BUDGET QUESTION AND ANSWER SESSION

The Board attended the Canyon County Clerk's budget question and answer session this afternoon from 2:00 p.m. to 3:00 p.m. The session was held in the public meeting of the Canyon County Administration Building. It was not a Commissioner meeting; there were no motions, action items or Board direction entertained or given.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 25, 2024

COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Hunter Zimmerman.

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Stewarts Hospitality & Services, LLC dba Stewart's Bar & Grill
- Canyon Golf Partners, LLC dba Red Hawk Golf Course
- Smashburger Acquisition - Idaho, LLC dba Smashburger #1588
- TL Original, Inc., dba Pho 7 & Ding Tea
- Boise Babes, LLC dba The 112
- TNT's Dynamite Bar & Grill, LLC dba TNT's Dynamite Bar & Grill
- Roots and Company, LLC dba Roots and Company
- Williamson Orchards, Inc., dba Williamson Vineyards

Resolution no. 24-073

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

The Board met today at 9:32 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Oscar Klaas (left at 9:34 a.m.), Deputy P.A. Zach Wesley, Assistant Facilities Director Carl Dille (left at 9:34 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Independent Contractor Agreement for Elevator Modernization with Young Elevator, Inc.:

This is the final step in the bidding process; one responsive bid was received from Young Elevator, Inc. Legal has reviewed and has no issues with the contract. Commissioner Holton made a motion to accept the submitted example of a contract and sign that. The motion was seconded by Commissioner Brooks and carried unanimously (agreement no. 24-037).

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 Brooks made a motion to go into Executive Session at 9:35 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. Commissioner Holton took a roll call vote where he along with Commissioner Brooks voted in favor of the motion to enter into Executive Session. The motion

carried unanimously. Present were: Commissioners Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:56 a.m. with no decision being called for in open session.

The meeting concluded at 9:56 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING TO RECEIVE CLERK'S QUARTERLY BUDGET REPORT

The Board met today at 10:30 a.m. for a meeting to receive the Clerk's quarterly budget report. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Clerk Rick Hogaboam, Auditing Supervisor Sarah Winslow, Senior Systems Analyst Steve Onofrei, and Deputy Clerk Monica Reeves. Clerk Hogaboam submitted the following three documents, which are on file with this day's minute entry:

- Clerk's Quarterly Budget Report: 2nd Quarter (January – March)
- Full detailed report (42 pages) showing revenues, salary & benefits ("A" budget), and expenses
- Summary report (5 pages) showing revenues, salary & benefits ("A" budget), and expenses

The quarterly statement is to give a checkpoint on what has been expended and collected on revenues. In summary, his report stated as for expenditures under the "A" budget of salary and benefits, the County is overall below, as is expected with vacancies. As for the "B" budget of operational expenses, any trending below or above is likely due to seasonality and timing of procurement and operational peak seasons. Since this is his first quarterly report and first fiscal year, he will defer to respective elected officials and department administrators to provide the Board any needed additional explanation for expenditures that are cause for concern. The Tort fund may experience fluctuations based on expenditure needs. Budget amendments may be needed as we close the year, but he hopes the next third quarter report can help inform in anticipation of potential budget amendments, resolutions, or potential final quarter directives to ensure the County meets its obligations as prioritized by the Board. There were questions asked and answers provided during the Clerk's report and the Board's review of the information. No Board action was required or taken. The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER FINAL PLAT FOR EAGLE CAP SUBDIVISION, CASE NO. SD2022-0042

The Board met today at 11:08 a.m. to consider the final plat for Eagle Cap Subdivision, Case No. SD2022-0042. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Engineering Coordinator Stephanie Hailey, Gary Johnston, and Deputy Clerk Monica Reeves. Ms. Hailey reported the development was rezoned to an "R-1" (Single Family Residential) zone in 2020 with 11 residential lots, well irrigation, and individual wells and septic systems. The preliminary

plat for Eagle Cap Subdivision was approved by the Board on February 8, 2022 and was subject to seven conditions of approval. County engineering has reviewed and approved the final plat and construction drawings and participated in a post-construction site visit. The County surveyor has reviewed and signed the final plat finding it is in compliance with the Canyon County Zoning Ordinance. Staff recommends the Board sign the final plat. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve and authorize the Chairman to sign the final plat for Eagle Cap Subdivision, Case No. SD2022-0042, as presented and previously authorized. The meeting concluded at 11:11 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE ADMINISTRATIVE DISTRICT JUDGE AND THE TRIAL COURT ADMINISTRATOR

The Board met today at 1:33 p.m. with the Administrative District Judge and the Trial Court Administrator. Present were: Commissioners Leslie Van Beek and Zach Brooks, Judge Davis Vander Velde, Deputy TCA Laura Kiehl and Deputy Clerk Jenen Ross.

Judge VanderVelde expressed appreciation of budget workshop that was held by the Clerk yesterday.

This week Judge VanderVelde attended a conference where they met with the new state public defender. They are hoping to have all the district public defenders hired by July 1st so the change in process can be implemented by early October. The magistrate commission will likely be convened in late May or early June and they are hoping to work with Chairman Holton in the next week or so in order to determine that exact date. Judges are excluded from that meeting; however, the TCA will likely act as the secretary but that will be at Chairman Holton's discretion. Judge VanderVelde anticipates that interviews will likely take the better part of a day to conduct. Commissioner Van Beek confirmed that the Board will relay the information to Commissioner Holton and ask him to contact the ADJ/TCA office.

In regard to jury duty, for a while they stopped doing jury questionnaires but an order has recently been issued by Judge VanderVelde to resume doing them which provides attorneys with additional information when reviewing jury candidates. Additionally, they are working to shorten jury duty from a full month down to 2 weeks.

The meeting concluded at 1:42 p.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER RELEASE OF LIEN FOR PROPERTY LOCATED AT 15580 CANTRICE LANE, CALDWELL, ID

The Board met today at 2:00 p.m. to consider a release of lien for property located at 15580 Cantrice Lane, Caldwell, ID. Present were: Commissioners Leslie Van Beek and Zach Brooks, DSD

Office Manager Jennifer Almeida and Deputy Clerk Jenen Ross. Ms. Almeida explained this was for abatement of the property which was completed in December of 2023 at which time the notice of lien was recorded and the property owner was invoiced. Payment from Mid First Bank was recently received and deposited. This lien is now paid in full and the lien needs to be released. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to release the lien for property located at 15580 Cantrice Lane, Caldwell, ID for the amount paid of \$9800 (parcel no. R23266026).

The meeting concluded at 2:02 p.m. and an audio recording is on file in the Commissioners' Office.

APRIL 2024 TERM

CALDWELL, IDAHO APRIL 26, 2024

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Chandler Ross Young, Deputy Sheriff, new lateral hire
- Ivan Flores, Change from Juvenile Detention Officer to Security Control Specialist

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Perennial Energy in the amount of \$6710.00 for the Solid Waste department (PO #5991)

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Liberty Lounge to be used 5/25/24.

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Whiskey River LLC dba Whiskey River
- Alejandras 1 LLC dba Alejandra's Mexican Restaurant
- Bitner Vineyards LLC dba Bitner Vineyards
- Pantera Market & Mexican Restaurant #2 LLC dba Pantera Market #2

Resolution no. 24-075

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Captain Harold Patchett, and Lt. Russell Donnelly. 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 TO DISCUSS RECORDS EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO IDAHO CODE, SECTION 74-206(1)(D)

Commissioner Van Beek made a motion to go into Executive Session at 11:03 a.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted 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, Clerk Rick Hogaboam, Chief Deputy P.A. Carl Ericson, Cpt. Harold Patchett, Facilities Director Rick Britton, Assistant Facilities Director Carl Dille, Sheriff Kieran Donahue and Chief Deputy Sheriff Doug Hart. The Executive Session concluded at 12:01 p.m. with no decision being called for in open session.

APRIL 2024 TERM
CALDWELL, IDAHO APRIL 29, 2024

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Lucy Lanning, Elections Specialist (transfer)
- Aaron Williams, Director of Constituent Services (new hire)
- Elizabeth (Annie) Hobby, Deputy Public Defender
- Emily G. Garcia, PD Legal Support Specialist II

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Labyrinth Escape Games, LLC dba Labyrinth Escape Games
- Grey Stone Corp dba V-Cut Lounge
- Taqueria El Gallito, LLC dba Taqueria El Gallito

Resolution no. 24-076

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Tacos El Rey, LLC dba Tacos El Rey Restaurant #5
- Jackson Bevco, Inc., dba Big Smoke #115
- Jackson Bevco, Inc., dba Tobacco Connection #1
- Jackson Bevco, Inc., dba Tobacco Connection #6
- Jackson Bevco, Inc., dba Tobacco Connection #12
- Jackson Bevco, Inc., dba Tobacco Connection #16
- Jackson Bevco, Inc., dba Tobacco Connection #22
- Jackson Bevco, Inc., dba Tobacco Connection #23
- Jackson Bevco, Inc., dba Tobacco Connection #32
- Jackson Bevco, Inc., dba Tobacco Connection #37
- Jackson Bevco, Inc., dba Big Smoke #102
- Jackson Bevco, Inc., dba Big Smoke #109
- Jackson Bevco, Inc., dba Big Smoke #113

Resolution no. 24-077

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTERS PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (D): DISCUSS AND REVIEW APPLICANTS FOR THE CANYON COUNTY IMPACT FEE COMMITTEE

Commissioner Van Beek made a motion to go into Executive Session at 1:44 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding personnel matters to discuss and review applicants for the Canyon County impact fee committee and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted 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, DSD Director Sabrina Minshall and COO Greg Rast. The Executive Session concluded at 2:22 p.m. with no decision being called for in open session.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING MATTERS OF TRADE OR COMMERCE

Commissioner Van Beek made a motion to go into Executive Session at 3:32 p.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving matters of trade or commerce. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted 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, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Robin Sellars with the City of Nampa and Representatives from Project Spud. The Executive Session concluded at 4:28 p.m. with no decision being called for in open session.

APRIL 2024 TERM

CALDWELL, IDAHO APRIL 30, 2024

APPROVED PURCHASE ORDERS

The Board approved the following purchase order:

- Electionsource.com in the amount of \$5,973.18 for the Elections office (PO #6013)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Ashley Nicole Romeri, Deputy Sheriff (new hire)
- Brett Cretal, Emergency Communications Officer II

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 3:00 p.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Case Manager Kellie George, and Deputy Clerk Monica Reeves. Ms. George presented the Board with information regarding Case No. 2009-770 and 2016-490. Both cases have been paying on their county application for nearly two decades and have met their obligation amount to the County and have paid off their accounts so staff is requesting the Board issue release of liens. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to release the liens on the medical obligations for Case Nos. 2009-770 and 2016-490. The meeting concluded at 10:32 a.m. and an audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING INDEPENDENT CONTRACTOR AGREEMENT WITH ABIGAIL MOREHOUSE FOR PUBLIC DEFENDER CONFLICT COUNSEL

The Board met today at 10:45 a.m. to consider signing an independent contractor agreement with Abigail Morehouse for public defender conflict counsel. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy Public Defender Scott James, and Deputy Clerk Monica Reeves. Chief Deputy James said Public Defender Bazzoli has met with Ms. Morehouse who has experience in both felony cases and misdemeanor cases. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the independent contractor agreement for public defender conflict counsel between Canyon County and Abigail Morehouse as presented by Chief Deputy Public Defender Scott James. (See Agreement No. 24-038.) Commissioner Holton asked how often the departments needs conflict counsel. Chief Deputy James said they need to do it routinely in child protective cases oftentimes because the parents want their own counsel. The guardian ad litem, for some reason, always want a conflict public defender. The department's main view on criminal cases is they try

to handle conflicts within the office. They have an opinion from bar counsel who said public defenders are under a different rule than normal private firms and so they have a little more latitude. He said Mr. Bazzoli is very good about balancing the need to save taxpayers' money versus having to pay for an appeal post-conviction and then a new trial down the road. Commissioner Holton said the Prosecuting Attorney and the public have questioned conflict counsel and he is aware that the PD conflict counsel issues are a little different than the Board's but he wanted it put on the record. The meeting adjourned at 10:50 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING: MARGARET PERSON, REPRESENTED BY STEVE LAW, IS REQUESTING A COMPREHENSIVE PLAN MAP AMENDMENT, AND CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO AN "R-1" (SINGLE-FAMILY RESIDENTIAL) ZONE

This hearing was scheduled to be heard by the Board on April 30, 2024 at 1:30 p.m., however, it was rescheduled to May 14, 2024 at 3:00 p.m. so the Board could attend the memorial service for Deputy Tobin Bolter, an Ada County Sheriff's Office Deputy who was killed in the line of duty.

There were no Board of Equalization matters that came before the Board this month.

THE MINUTES OF THE FISCAL TERM OF APRIL 2024 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 14th day of June, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

Unavailable for signature
Commissioner Leslie Van Beek

Brad Holton
Commissioner Brad Holton

Zach Brooks
Commissioner Zach Brooks

ATTEST: RICK HOGABOAM, CLERK

By: J Ross, Deputy Clerk