

March 22, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 22nd day of March 2021.

IN THE MATTER OF ROLL CALL)

Donna Atwood, Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

Nate Marvin opened the meeting and Donna Atwood led the Pledge of Allegiance. Lyndon Haines gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

Correspondence received by the Board was reviewed and disseminated as required.

The Board reviewed the following: a letter submitted by Nicholes Partin regarding the March 15, 2021 discussion on the Planning and Zoning hearing on proposed Code Changes; a letter from Nicholes Partin concerning allowing a private individual to perform and/or contract and/or pay for the construction of improvements to county roads and public right of ways; a request for funding from Snake River Heritage Center from the 2020 budget as well as a request to be considered for funding in the 2021 County Budget.

The Board discussed the current water level of the Weiser River.

Marvin stated he had requested the Building Department post the maximum capacity of the Commissioners meeting room, which is 32 persons.

Kirk Chandler moved, seconded by Lyndon Haines to approve an Idaho Liquor Catering Permit for the Old Brunswick Club LLC to be used April 3, 2021 from 4:00 p.m. to 12:00 a.m. at 1526 Sunnyside Road, Weiser, Idaho. Motion carried.

The Board discussed the Families First Coronavirus Response Act that was extended from December 31, 2020 to March 31, 2021. The Board decided to not extend leave time at this time. Should the need arise, the matter will be readdressed.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of March 15, 2021 were approved as amended.

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IN THE MATTER OF CLAIMS)

The claims, audited by the Auditor, were presented and reviewed by the Board. All credit card claims were reviewed.

The Auditor was authorized to issue warrants totaling \$138,157.18 for general expenses by a motion of Kirk Chandler, seconded by Lyndon Haines. Motion carried.

IN THE MATTER OF OPERATIONS IN FUNDS/STATEMENT OF TREASURER'S CASH)

Lyndon Haines moved to approve the Operations in Funds/Statement of Treasurer's Cash for the month of February 2021 in the amount of \$13,015,868.42. The motion was seconded by Kirk Chandler with all in favor.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Odoms presented an Application for Buried Cable or Pipe Line submitted by Track Utilities LLC, for a trench and road bore to be done at 406 River Dock Road to the Board for review.

Lyndon Haines moved, seconded by Kirk Chandler to approve the Application for Buried Cable or Pipe Line submitted by Track Utilities LLC, for a trench and road bore to be done at 406 River Dock Road. Motion carried.

Odoms informed the Board that he will send letters to residents on Goodrich Road to inform them of the work that Road & Bridge will be performing on the road.

Odoms informed the Board that he had received verification from LHTAC (Local Highway Technical Assistance Council) that Washington County was awarded a \$100,000.00 construction grant. Odoms stated additional asphalt will be purchased with the grant funds in fiscal year 2022.

Odoms informed the Board that Unity Bridge was placed in position 6 of the Federal Aid list. The work on the bridge is not currently funded, but will be held on the list for a period of two years. Odoms stated if funding becomes available for infrastructure improvements, this would increase the chances of being able to replace Unity Bridge.

Chandler discussed a letter concerning current legislation regarding infrastructure improvements.

Odoms discussed the purchase of a 2019 road grader. Additional research will be done before presenting paperwork to the Board for approval.

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Odoms discussed quotes received for chip seal oil at \$370.00 per ton and quick seal at \$260.00 per ton from Ergon. Odoms stated he was not comfortable with the piggyback information attached to the quote. Odoms stated he had also received a quote from Idaho Asphalt quoting chip seal oil at \$395.00 per ton and quick seal at \$289.00 per ton as a piggyback purchase with Power County. Odoms will consult with Prosecuting Attorney Walker before moving forward with a purchase.

Marvin informed Odoms that the Fair Board would like to do some paving and had hoped to be able to piggyback off the County bid. Marvin will provide more information to Odoms.

Odoms stated he was contacted by the Forest Service regarding work on cattle guards on Seid Creek. Odoms informed the Board that he will also be working with the Forest Service on the turnaround on Seid Creek.

Odoms informed the Board that the Pine Creek Bridge was discussed at the last PAWG (Payette, Adams, Washington, Gem) County Road Organization meeting. Odoms stated the City of Cambridge has been notified, but the City of Midvale has not been notified at this time. Odoms reported the expected start date for work on the bridge will be approximately April 8, 2021. The bridge will be restricted to 12 feet wide with an estimated completion date of November.

Nate Marvin moved, seconded by Lyndon Haines to go into executive session at 9:22 a.m. in accordance with I.C. 74-206(1) (a) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office, (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Motion carried unanimous. Kirk Chandler, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Nate Marvin stated they were out of executive session at 9:25 a.m.

#### IN THE MATTER OF DEPARTMENT HEADS)

The group discussed the Coronavirus State Fiscal Recovery Fund as outlined in the American Rescue Plan Act.

Washington County Clerk, Donna Atwood, presented paperwork to Elected Officials and Department Heads regarding the American Rescue Plan Act that was signed by President Biden on March 11, 2021. Atwood informed the group that Washington County is estimated to receive approximately \$2 million, but the use of the funding is very restrictive. Atwood suggested that the Board consider reaching out for assistance on the administration of the funding. Atwood stated if the funding is used incorrectly, the County would have to pay it back. The bill (plan) signed by Biden is 242 pages long.

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Atwood stated the U.S. Treasury is still drafting the guidelines as to the appropriate uses of the funding. Atwood stated the Idaho Association of Counties will also be providing direction regarding the use of the funding.

Marvin stated if he understood it correctly, funding could be used for water, sewer, or broadband.

Deputy Auditor, Debbie Warren, stated, unlike the CARES Act funding that was administered through the State where guidance was provided by the State on use of funds, how to submit to the State for reimbursement for COVID related expenses, and how the funds could be used, this funding will be sent to the County without being requested. The County will be responsible for administering the funds correctly. Warren stated if the funding were to be used inappropriately, county taxpayers would have the burden of repaying the funds to the Federal Government.

Weed Superintendent, Bonnie Davis, inquired when the guidance would be available from the U.S. Treasury and what the timeframe is to expend the funding.

Atwood stated the Treasury is drafting the guidelines. The funding is to be expended by 2024.

Marvin encouraged the group to seriously consider how the funding could be used. Marvin stated the funding could possibly be used to provide waterlines to the Industrial Park, but the County would need to partner with the City of Weiser for that to occur.

Atwood stated cities are to receive a separate distribution of funds. Atwood informed the group that questions can be submitted to [questions@naco.org](mailto:questions@naco.org) regarding suggestions or approved uses of the funds.

Treasurer, Sabrina Young, addressed the group and stated that during a call with the Idaho Association of Counties some of the allowable uses were discussed. One of the items that was pointed out on the water, sewer, and broadband infrastructure was that the plan states “necessary improvements”. The Treasury has been asked to define the word “necessary”, so at this time we do not know what types of projects will be allowed under this funding. Young informed the group that NACo (National Association of Counties) had conducted a survey that is still open on the NACo website and encouraged those in attendance to submit specific questions regarding projects in order to receive more clarity on what will be an allowable use of the funding.

Davis stated she believed it would be beneficial to find an outside source to administer the funds. In her experience in dealing with the Federal Government, the tracking and distribution of funds can be a full-time job. Record keeping needs to be clean and concise. Davis encouraged the Board to consider this when the time comes for everyone’s benefit.

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Chandler stated from what he had read, there did not seem to be many things that the County could use the funding for. Chandler questioned if work at the Industrial Park would be an allowable use.

Atwood stated that within the program, there are loans for businesses and funding through FEMA (Federal Emergency Management Agency). Atwood encouraged everyone to do research and reach out with their questions.

Information Technology Director, Robert Peterson, inquired if funding was made retroactive in order to cover costs of items that have already been purchased.

Atwood stated she was not aware if it had been made retroactive.

Marvin requested Peterson assist in gathering information on broadband within the County.

Warren clarified that the Federal funding cannot be used as property tax relief in the county budget.

Davis reiterated that Federal Agencies are very thorough and the use and tracking of the funds will have to be handled in a very detailed manner.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Also present was Mary Sue Roach, Robert Patrick, Jeri Soulier, Larry Lundin, Cathy Kaech, John Jensen, Sean Alix, Sydney Alix, Lisa Collini, Kris Jaeger, Ron Jaeger, Glenn Johnson, Allis Chandler, and Linda Strain.

Brent reported that Jeff Chance had turned in his resignation from the Planning and Zoning Commission as of today. There were no new building permits last week. Brent informed the Board she will provide packets to the Board regarding the Planning and Zoning hearings held on March 16, 2021 for their review.

Marvin inquired if a building permit had been issued on property located on Couper Road.

Brent stated the parties have applied, but no building permits had been issued.

Marvin informed the group that per advice from Prosecuting Attorney, Delton Walker, regarding the motion made by Lyndon Haines to cancel the hearing on code changes, the motion needed to be restated to make the record clear.

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Lyndon Haines restated the motion to withdraw the request to have the Planning and Zoning Commission review proposed code changes that were presented by the previous Board of County Commissioners. The motion was seconded by Nate Marvin.

Chandler stated the motion would appear to cancel all hearings on proposed code changes. Chandler stated if they are going to just take a word out of a meeting such as “cancelled” and allow that to have “weight” he would like to know the intent of cancelling the hearing. Chandler inquired of Marvin what the intent was in cancelling the hearing.

Marvin stated he did not recall for sure but thought it was because of the Governor’s changes due to COVID-19 and the number of people that could gather in a room.

Chandler asked if the hearing was cancelled with the intent of never re-doing it.

Marvin stated he would have to re-read the minutes from that meeting as he did not know how the motion was stated.

Chandler inquired of Clerk Atwood what she thought the intent was.

Atwood stated it is a Commissioners meeting and she is just there to take the minutes. The Commissioners approve the minutes.

Chandler inquired of Prosecuting Attorney, Delton Walker that when the meeting was cancelled, was it to cancel having meetings on proposed code changes?

Walker stated Chandler would have to be more specific as to what meeting and what date. Walker stated he would have to review the minutes and listen to the recording of the meeting.

Chandler inquired if the meeting was cancelled indefinitely. What was the purpose of cancelling the meeting?

Walker stated he would have to listen to the audio. Walker said in general what he recalled it was due to the number of persons being able to attend.

Chandler stated Haines’ motion is to cancel the hearing indefinitely.

Haines restated the motion. Haines stated he is in favor of having Planning and Zoning look at code changes. Haines stated that is the job of the Commission. Haines stated he wants to follow the process of how it is to be done. Stop jamming things through Planning and Zoning with 39 pages. Haines stated when the legislature wants to hide things they make a whole bunch of pages with changes. If you want to jam stuff through Planning and Zoning you make 39 pages and have a hearing on them. Haines stated there

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will be a hearing on every change that is made. The process will be followed and everyone will have a chance to speak and ask questions. Haines stated he wants to kill the 39 pages being presented as one item for a hearing. Haines informed the group that is an unreasonable task and it has not worked. Haines stated Planning and Zoning has fought having a hearing. Haines inquired how Planning and Zoning could have a hearing on 39 pages of code changes. Haines stated the changes could be broken up in sections as the code is designed. Haines reiterated – how are they to have a meeting on 39 pages. Everyone will have their chance. Haines stated he is not trying to silence anyone. The process has not worked. Haines stated if you have been working on this for two years and nothing has changed, then there is a problem in the process. The process needs to be fixed. Haines stated they need to get Planning and Zoning on board and get their input. Haines stated he attended Planning and Zoning meetings before taking office. Haines stated the Commission had made comments or suggestions that never made it into the document. Haines stated there was no teamwork. Haines stated this needs to be done in a way that it can be completed in a timely manner.

Chandler inquired of Haines what the purpose of the motion was.

Haines stated there are 39 pages of changes that Planning and Zoning does not want.

Chandler stated Haines wants to have the hearing on the changes piece by piece and that has never been done. Chandler stated Brent had informed the Board that there are sections that are ready for the Board to look at. Chandler stated Haines had agreed the hearings would be held. Chandler inquired what the purpose was if there were still going to be hearings.

Haines inquired why have a hearing on 39 pages. How is that to be done?

Chandler stated if it was cancelled, why does it matter? Why not go ahead and have the hearings.

Haines stated the hearings will be held as the code is reviewed section by section. Haines stated this is a different Board.

Chandler stated the hearings are our democracy.

Marvin stated they were getting off the subject. Marvin called for a vote on the motion. Marvin stated the hearing would be held when the proposed changes are broken down in sections. Marvin stated that Prosecutor Walker had agreed last week that it was too much material to hand to Planning and Zoning.

Chandler stated that Walker had indicated he would need to listen to the minutes of the Commissioners Meeting when the previously scheduled hearing was cancelled to know what the intent was. Chandler inquired of Haines if he had listened to that meeting.

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Haines stated he had read the minutes of the day in question.

Chandler stated the hearing was cancelled due to COVID, not due to the intent of the hearing.

Walker stated Haines' intent is to review the code in sections, not the entire packet at one time.

Chandler stated he believed the motion was to show what was previously done could be undone.

Haines stated the point is that nothing has been done. Nothing was accomplished.

The Board voted on the motion. Lyndon Haines Aye; Nate Marvin, Aye; Kirk Chandler Nay. Motion carried.

Brent presented proposed code changes to the Board for review. The Board will discuss the proposed changes during their next meeting on April 5, 2021.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Walker encouraged the Board to review the changes as presented by Brent for discussion on April 5<sup>th</sup>. Walker recommended that the changes be reviewed in a manageable manner. Walker informed the Board that Planning and Zoning was able to hold 4 or 5 hearings last week. Walker stated the Commission needs to be able to approach the proposed changes differently. Walker informed the Board that the Commission has not been able to come to any conclusions. Walker stated that whether Chandler believes Haines' motion was right or not, the matter will have to be re-approached or it will not get done.

Chandler clarified there have been no hearings on the code changes.

Walker stated Planning and Zoning has had discussions. Walker stated there was discussion of the introduction last August or September. The Commission could not agree on the introduction. Walker informed Chandler that whether they want to admit it or not, the Commission is not making progress on the proposed changes.

Chandler stated one of the proposed changes that Brent had given the Board today was the introduction. Chandler stated the introduction is basically guidance from the State telling Planning and Zoning what they can do. Chandler stated the Commission was changing that to state other things. Chandler stated he had proposed to leave what State Code had stated. Chandler stated the County cannot do something different than stated in State Code.

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Walker stated he believed the Commission was trying to provide additional protection or insight as to what the County wanted to do in relation to those purposes of the code. Walker stated the Commission cannot change State Code, but they can adopt parts of the State Code and add additional language so long as it relates to the County's health, safety, and enjoyment of property. Walker stated it appeared the Commission wanted their own version of why County Code is in place. Walker stated the Commission could adopt State Code as written or they can adopt parts of it and provide additional protections. If State Code directs, the Commission cannot adopt something contrary to State Code.

Chandler stated the purpose in 5-1-1 is State Code. It could be stated to "refer to State Code". Chandler stated the Commission had wanted to change that at one of the meetings.

Walker stated it could read "refer to State Code" with no additional wording, Walker stated that for 35 years the code has had its own version of the purposes of the code and has not been challenged. Walker informed the Board he believed the Commission was trying to come up with their own unique purposes for the County Code. If they said this is State Code they cannot change it, but if they said this is County Code and does not conflict with State Code, additional protections or purposes can be added. Walker stated there are other places in the code where the county had adopted State Code and then provided additional language. Walker encouraged the Board to review the proposals Brent had submitted and either agree to them or resubmit them. There may need to be Special or additional meetings in order to address all items.

IN THE MATTER OF AMBULANCE)

Nate Marvin moved, seconded by Kirk Chandler to recess as the Board of Washington County Commissioners and convene as the Board of the Weiser Ambulance District. Motion carried unanimous.

Donna Atwood, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

Lyndon Haines moved, seconded by Kirk Chandler to go into executive session at 10:31 a.m. in accordance with I.C. 74-206(1) (a & b) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office, (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student, and (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this

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Requirement. Motion carried unanimous. Kirk Chandler, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Nate Marvin stated they were out of executive session at 11:02 a.m.

Luke Smith, Ambulance District Director, met with the Board. Debbie Warren entered the meeting.

Order No. 21-19 for general expenses in the amount of \$2,878.22 was presented to the Board for review.

There was discussion regarding an agreement on the responsibilities for repairs and maintenance on the Ambulance Hall.

Smith reported he had met with Brian Graham with Midvale Ambulance and also Kris Jaeger with Cambridge Ambulance.

Smith reported the Ambulance District had twenty-eight calls for service last week, which included ten transfers as well as lift assists and refusal for care.

Smith reported he is continuing to work with Dodd Snodgrass on the purchase of an ambulance with grant funds. No additional information is needed at this time.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-19 for general expenses in the amount of \$2,878.22. Motion carried.

Nate Marvin moved, seconded by Kirk Chandler to recess as the Board of the Weiser Ambulance District and reconvene as Board of Washington County Commissioners. Motion carried unanimous.

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

Motion by Nate Marvin, seconded by Kirk Chandler and unanimously carried to recess at 11:23 a.m. until April 5, 2021 at 8:45 a.m.

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Chairman, Board of County Commissioners

ATTEST:

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Clerk

A full audio recording of the Commissioner Meeting is available at the Clerk's Office upon request.