

July 6, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 6th day of July 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 Lyndon Haines led the Pledge of Allegiance. Kirk Chandler gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

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

Marvin reported he would attend the Fair Board meeting July 7, 2021.

The Board reviewed the Payette National Forest Service Fire Update dated July 2, 2021.

Kirk Chandler moved, seconded by Lyndon Haines, to approve a demand warrant in the amount of \$5.00 for petty cash replacement due to receipt of a fake/motion picture \$5.00 bill. Motion carried unanimous.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of June 28, 2021 were approved as amended.

IN THE MATTER OF WEED AND RODENT CONTROL)

Bonnie Davis, Weed Superintendent, met with the Board. Davies reported the current rodent tail count is 10,600 tails with a budget balance of \$17,750.00.

Davis discussed an update to the QuickBooks program. Davis stated the last update was completed in 2016. The update would be for Weed, Rodent and Road and Bridge/Solid Waste at a cost of \$849.00 per department.

Lyndon Haines moved seconded by Kirk Chandler to approve the Quick Books update for Weed, Rodent, and Road and Bridge/Solid Waste. Motion carried unanimous.

Davis discussed the annual renewal with ESRI for the Arc View Mapping software program with the Board at an annual cost of \$1,200.00.

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Lyndon Haines moved, seconded by Kirk Chandler to approve the Arc View annual renewal in the amount of \$1,200.00. Motion carried unanimous.

Davis provided an update on the neighborhood spray projects. Davis stated that twelve projects of spraying were completed for a total of 15,685 gallons of chemical. The Teacher Workshop and the Weed Tour were held. Due to rain, the Weed Tour was cut short, but were able to gather at the Exhibit Hall at the Fairgrounds for lunch and the speakers were able to give their presentations.

Davis informed the Board that the Weed Board decided not to accept the CWMA funding from the Idaho State Department of Agriculture. Davis stated the Commissioners had signed the agreement to accept funding on March 15, 2021. Davis stated that paperwork was received from the State on May 11, 2021. Projects were already in progress. New guidelines had been put in place including that completed projects could be retroactive and qualify for funding. Davis informed the Board there were other Weed Department who did not take the funding as well. Davis stated the Weed Board had submitted a letter to the Department of Ag regarding their decision. Davis stated participation in the program would cost the Weed Department more than the benefit would be. Davis informed the Board the CWMA (Cooperative Weed Management Area) Program would continue without the funding.

Davis discussed roadside spraying on Cove Road. The Department was unable to access the entire road. Davis stated she had spoken to Road & Bridge Supervisor, Jerod Odoms, regarding a panel blocking the road. Odoms will address the issue.

Davis informed the Board the Department has been doing hay inspections, biological releases, handling complaints, and meeting with new landowners.

Davis informed the Board the Rodent Board will meet Tuesday July 13 at 4:00 p.m. and the Weed Board will meet at 7:00 p.m. Davis stated the Biological Workshop will be held July 15, 2021 from 2 to 5 p.m. at the Weed Department. Davis stated that the Newsletter Articles are due July 16, 2021 and will be published in August.

#### IN THE MATTER OF DEPARTMENT HEADS AND ELECTED OFFICIALS)

Those present were Assessor Debbie Moxley-Potter, Juvenile Probation Supervisor Dahlia Stender, Extension Office Educator Mary Ridout, Chief Deputy Cody Strong, Jail Commander Johnny Biddinger, Sheriff Matt Thomas, Emergency Manager Tony Buthman, Road and Bridge/Solid Waste Supervisor Jerod Odoms, Weed Superintendent Bonnie Davis, Information Technology Director Robert Peterson, Clerk Donna Atwood and Chief Deputy Debbie Warren. Treasurer Sabrina Young was also present via Zoom.

Warren reviewed the State Insurance Fund annual report with the Board regarding workman's comp claims within the County.

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Atwood presented the Treasurer's report to the Board. The Treasurer's office was busy with property tax collections in June. The number of delinquent parcels as of June 30, 2021 was 552 compared to 770 parcels last year. Pre-pending Issue properties has decreased each year. As of June 28, 2021, 77 letters were mailed regarding pre-pending issues. Demand Letters were mailed on 13 parcels for delinquent personal property. The Board was reminded there would be a Tax Deed Sale July 26, 2021 at 2:30 p.m.

Sheriff, Matt Thomas, reported they are working on getting bids for the plumbing for the jail. He informed the Board the Department conducted an animal seizure last week.

Emergency Manager, Tony Buthman, reported the SHSP Grant funding for 2021 was recently awarded. The funding is available for infrastructure and security.

Marvin discussed the condition at the cell tower and inquired if a fire line could be cut at the repeater on Sheep Creek.

Odoms will check with the property owners and request permission to cut a fire line around the tower.

Clerk Atwood presented revised budget requests from the Assessor and Treasurer's office to reflect changes after the budget workshops were held. Atwood informed the group the State Tax Commission has not completed the new L2 forms at this time. Atwood stated the requested overall budget has increased \$1,248,314.00. Until the new L2 forms are released by the State Tax Commission, it cannot be determined if the budget requests will fall within the allowable limits set by State Code.

Atwood discussed the American Rescue Plan Act (ARPA) funding. Juvenile Probation Supervisor, Dahlia Stender, had shared a request for funding form. Atwood inquired if there were suggestions to be added to the draft form. Atwood discussed loss of revenue and organizations that may qualify to receive ARPA funds.

Haines inquired if there would be a separate form to document the use of funds.

Atwood stated that was correct and separate request forms could be drafted for different types of funding requests. Applicants would meet with the Board to present the request for funds to ensure that the request fit within the guidelines. Atwood stated the Idaho Association has partnered with an accounting firm who may implement a pre-approval process to assist with qualifying applications. Atwood reminded those in attendance that the Association of Counties had instructed the Counties to not get in a jury to spend the ARPA funds. If funding were used inappropriately, the County would be liable.

Chandler stated that it should be included in the application that if a non-profit organization or district were to receive funds and the funds were used in an inappropriate manner, that organization or district would be liable, not the county.

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Sheriff Thomas suggested a stipulation to be added to the agreement that if the funds were expended in any way other than what was submitted on the application; the funds would have to be repaid.

Treasurer, Sabrina Young, reminded the group that the current rules provided by the U.S. Treasury are the "Interim Final Rule". The final rules are not expected to be available until September.

Stender suggested the applications be reviewed frequently as they had received 52 applications to review for the Idaho Children's Trust Fund for the first grant period.

Atwood discussed the new Juneteenth Federal Holiday with the group. Atwood stated that if the Board were to adopt Juneteenth as a paid holiday it would need to be added to the personnel policy. It would not be in effect until the need policy is adopted by the Board.

Odoms inquired what that would do to the budget.

Atwood stated the largest impact to the budget would be the overtime costs for emergency personnel.

Thomas stated the Sheriff's budget could support the overtime costs.

Davis inquired if there had been discussion with IAC (Idaho Association of Counties), the Clerk's Association or other County Commissioners.

Marvin stated he was not in favor. It was suggested that a poll be taken to see what Counties will be observing Juneteenth holiday. The possibility of a floating day was also discussed.

Stender reminded everyone that those offices who rely on support from State offices would not have technical support if the County were to remain open.

The group discussed having an Employee Appreciation BBQ. It was decided to hold the BBQ September 23, 2021, from 11 am to 2 p.m. It was suggested to contact Gem Plan, PERSI, ICRMP, and other vendors who may be interested in attending. The Board requested Odoms research an estimated cost and report back.

Walker suggested purchasing items locally when possible.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Walker stated he has been out of the office and unable to contact Intrinsic Organic or Lance Hoch.

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Marvin stated he would like to schedule a discussion regarding Planning and Zoning having the ability to issue citations on code violations.

Chandler stated he was made aware of a letter to Walker from property owners on Gentry Lane regarding on conflict of interest on the Planning and Zoning Commission. Chandler stated that the letter was later sent to the Board. Chandler stated he felt there are issues and that there may be lawsuits due to conflicts of interest and not following code. Chandler discussed the original parcel rule.

Walker stated the opinion from Givins Pursley on the original parcel was a “tentative opinion”.

Chandler discussed Jeri Soulier’s participation in the hearing for the Lancaster rezone. He said prior to her appointment to the Commission, she testified in support of an applicant. Chandler stated Soulier has taken the position to take over the training of the Commissioners and the Board. Chandler stated that there is no code that will support her taking over the training of Planning and Zoning or the Board. Chandler stated the previously ruling by the Board took out the original split rule and allows building permits on properties over 20 acres. Chandler stated he had talked to Brian Kane with the Attorney General’s Office and with some of his council who recommended that he contact Kane. Chandler stated that Kane had indicated the complaints should be sent to the Attorney General’s Office. Chandler stated lawsuits are being prepared against the County.

Chandler moved to suspend the original parcel rule until it can be looked at and to suspend the Planning and Zoning until they are trained and agree personally in writing that they will follow State Code.

Haines stated he cannot support the motion regarding Planning and Zoning. Haines stated he is concerned with the original parcel rule and the interpretation/opinion from Givins Pursley. Haines stated he would be willing to listen to a moratorium on those issues. Haines stated he did not understand that the firm Givins Pursley’s opinion was a “tentative opinion”. Haines stated he believed that the Lancaster decision could have been handled better. Haines stated that we have people who are involved and engaged in the Planning and Zoning Commission.

Chandler stated the same information Soulier presented at the hearing was the same info presented prior to being appointed to the Planning and Zoning Commission. Chandler stated that Soulier made the motion to approve the Lancaster Rezone.

Walker stated there were three different people who made motions at the Planning and Zoning hearing. Walker stated he was present at the hearing.

Marvin stated the motion dies due to a lack of a second.

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Marvin questioned the Original Parcel Rule.

Walker stated the original parcel is an exception to the General Rule in County Code. He stated the interpretation on the Lancaster does not take away the exception for lots smaller than 20 acres.

Chandler stated that the original parcel definition says anything that is contiguous as of 1979 gets four splits.

Walker disagreed. Walker stated the Lancaster decision was on 20 acre or larger lots and is not a subdivision. A subdivision is compact, one-acre parcels close together. Walker stated he has received a follow-up interpretation from the firm Givins Pursley.

Chandler discussed the Woodcock decision. Chandler stated the County forced them to go through the rezone process.

Walker stated the Court ruled that the County had not handled the case properly. Walker indicated that the reality is; the county has not changed the code. The whole point is we are moving toward what should have been done when the Woodcock came before them.

Haines stated he believed they should push Givins Pursley to provide an opinion and that they should tackle Chapter 5 first to figure out how to zone.

Chandler discussed code violations. Chandler inquired who decides whom to fine.

Walker stated that is a different conversation/issue.

Chandler discussed the proposed code changes he had drafted for the Planning and Zoning Commission to review.

Walker stated deleting the original parcel rule would have put the County in the same position as they are now. Walker discussed what has been allowed under the Code for purposes of development and agriculture.

Haines discussed the Comprehensive Plan in conjunction with County Code. Is the County preserving AG as an industry? Haines stated that Owyhee County is very conservative and allow farm or ranch homes on agricultural land. The property owner is to make 80% of their income for the ranch or farm. Haines indicated that they do not allow property splits, if the property is zoned AG, which is the only use allowed. Haines stated the Board needs to look at the code and decide are we preserving AG. As a whole, we have to try to make the best decision to protect AG ground. Haines stated he had contacted past Commissioners last week. Haines stated it was not their intent to divide every 20 acres and add a house. He agreed that some of the Code is confusing.

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Haines questioned if the Board should set time aside to work through the code.

Walker stated that had been done in the past.

Marvin stated that Givins Pursley needs to be given the opportunity to provide an opinion on title 5.

Haines stated that time is of the essence with the growth and development coming. It needs to be handled in the best possible way.

Chandler restated his motion to suspend the original parcel rule until it could be clarified whether it is right or not.

Walker clarified that the original parcel is the exception to the number of splits allowed.

Haines stated he would be in favor of putting a moratorium on A1 until they receive a definitive answer from Givins Pursley.

Walker stated he would forward the Woodcock Decision to Givins Pursley.

Walker stated that the issue of a conflict of interest, the person could be reported to the Attorney General's office. The person is to state what communication or information they have and that it will not influence their decision. Walker stated he did not see a problem/conflict. Walker stated the rezone was denied. How did the conflict of interest make a difference?

Chandler stated he is requesting Walker to send the Conflict of Interest Letter and the Planning and Zoning meeting violation complaint to the Attorney General's Office.

Marvin stated the second motion died due to lack of a second to the motion.

IN THE MATTER OF AMBULANCE)

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

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

Luke Smith, Ambulance District Director, met with the Board. Smith reported the Ambulance District had twenty-three calls for service last week, which included seven transfers and five public assists/refusals.

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Order No. 21-31 for general expenses in the amount of \$4,871.29 and Order No. 21-20 for payroll expenses in the amount of \$25,375.69 was presented to the Board for review.

Smith reported that the staff had assisted with evacuation of a hospice patient during the July 4 fire.

Smith informed the Board that the revised Personnel Policy is being finalized. A staff meeting will be held July 10, 2021.

Smith recommended Steve Babb for a part-time EMT position at \$13.00 per hour and Austin Thomason as a part-time as needed driver. The Board approved the request

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-31 for general expenses in the amount of \$4,871.29. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve Order No. 21-20 for payroll expenses in the amount of \$25,375.69. Motion carried unanimous.

Nate Marvin moved, seconded by Lyndon Haines 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.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Odoms stated he had sent in documentation for Fox Pit to MSHA. Odoms informed the Board that the monthly safety meeting was held this morning. The main topic was heat related illness and keeping sufficient water and hydration.

Odoms stated the Midvale Solid Waste site was closed Saturday. Odoms informed the Board a notice was posted prior to closing, but complaints were received.

There was discussion of work on Goodrich Road.

Marvin stated he would not attend the Commissioners meeting next week.

Kirk Chandler moved to have Lyndon Haines act as chairman next week. The motion was seconded by Nate Marvin. Motion carried unanimous.

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Motion by Kirk Chandler, seconded by Lyndon Haines and unanimously carried to recess at 11:45 a.m. until July 12, 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.