

January 17, 2023

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 17th day January 2023.

IN THE MATTER OF ROLL CALL)

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

Lyndon Haines opened the meeting and Gordon Wilkerson led the Pledge of Allegiance. Nate Marvin gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

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

Gordon Wilkerson moved, seconded by Nate Marvin to approve Retail Alcoholic Beverage License No. 28 for the Bus Bar Idaho LLC doing business at 30 East Commercial Street, Weiser, Idaho. Motion carried unanimous.

Nate Marvin moved, seconded by Gordon Wilkerson to approve the appointment of Canyon County Commissioner Zach Brooks to the Southwest District Health Board for the remainder of the term expiring June 30, 2025. Motion carried unanimous.

Lyndon Haines moved, seconded by Nate Marvin approve a demand warrant payable to Josh Stephenson in the amount of \$115.01 for reimbursement of work boots. Motion carried unanimous.

Brady Johnston presented a request for AED (Automated External Defibrillator) units to be purchased from ARPA (American Rescue Plan Act) funding to be disbursed throughout County departments and taxing districts at a cost of \$42,818.00.

Nate Marvin moved, seconded by Lyndon Haines to approve the purchase of the AED units with ARPA Funding for County departments and taxing districts in the amount of \$42,818.00. Motion carried unanimous.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of January 9, 2023 were approved as written.

IN THE MATTER OF INFORMATION TECHNOLOGY)

Robert Peterson, Information Technology Director, met with the Board. Peterson discussed the weekly report from Homeland Security indicating vulnerability. Peterson

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reviewed the Abnormal Email Protection program that was recently approved by the Board. Peterson reviewed the number of email attacks and trends with the Board. Peterson suggested having employee training on the Microsoft 365 program to make employees aware of the functions available in the program. Peterson informed the Board he will host a Tabletop Exercise regarding Ransomware soon.

IN THE MATTER OF ANIMAL SHELTER)

John Aegerter met with the Board. Aegerter stated that he was representing a group interested in creating an Animal Shelter for the County. Aegerter stated that November 7, 2022 was the start date for the group.

Haines discussed County Code which allows kennels in a Heavy Industrial zone.

Aegerter stated the shelter would primarily house cats and dogs with the intent of transferring larger animals to the appropriate facility. The group is working on a three year plan. At this time the project has been funded through donations with a fundraiser scheduled for June 10th.

Haines encouraged Aegerter to meet with Planning and Zoning Administrator Bonnie Brent regarding the process to follow.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Also present was Kirk Chandler. Chandler stated that last week when the Oath of Office was administered to elected officials that it read “and the Constitution and laws of the State of Idaho”. Chandler stated he had never taken an Oath to uphold State law before. Chandler read the Oath of Office per state statute (59-401) on the record. Chandler stated that he believed it was important it is the Oath that elected officials take because an elected official is the last support the citizens have against unconstitutional things. Chandler inquired that if you take an Oath to uphold state law, do they have the ability to change state law. Chandler stated that if a law is unconstitutional, elected officials have the responsibility to change it and make it constitutional. Chandler cited the republican platform and discussed compensation regarding property rights. Chandler requested the Oath of Office be administered to elected officials again.

Haines stated the Oath of Office is also found in the Idaho State Constitution under Article III, Section 25. Haines stated that he had researched the matter and read an Oath of Office from 1989 on the record. Haines stated that from 2003 forward the Oath administered had been the same one that was administered last week. Chandler stated that it was not clear why the verbiage “and laws” was added to the Oath. Haines stated he was good with the Oath that he took, but if the County wanted to change it for the future to match the state Oath, he would be fine with that. Haines stated that he did not believe he

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needed to re-take the Oath. Haines further stated that if there were persons who wanted to re-take the Oath, they could.

Walker stated it would be appropriate to correct the Oath moving forward. Walker stated the laws of the State created the elected offices. The Constitution does not create the position of Commissioner, Prosecutor or Sheriff offices. The Constitution allows those offices to be created through State laws. Walker stated that the idea is that if one does not support the laws of the State, then you are not supporting the laws that created for the office of County Commissioner, Sheriff, or Prosecutor. Walker stated he does support the laws because they created his position. Walker stated the Oath administered is fine but can be changed to conform with Statute.

Chandler stated he believed it was important because there are state laws that are unconstitutional. Chandler stated that he always took the Oath of office very seriously “because it is an oath under God.”

Haines stated he had copies of Chandler’s Oath if he would like to see them.

Chandler stated he “did not remember doing that, but apparently I did.”

Haines stated that moving forward the County would match the Oath per statute.

Walker discussed the Agreement with the City of Cambridge for the lease of a hayfield to be used during the County Fair. Walker informed the Board that the City of Cambridge had made the suggested changes to the Agreement.

Walker reminded the Board that they should not email each other as that would be considered a meeting.

Walker discussed the Title VI Plan regarding requirements for federal bridge funding. The requirements were from 1991 which is a self-evaluation of compliance with the ADA (Americans with Disabilities Act) of 1991/1992. Walker stated the matter has been discussed over time. The Civil Rights Title VI Program from 1964 was also discussed. Walker stated he believed the County had made a “good faith’ effort to meet the requirements of Title VI.

As training, Walker stated that statute allows the prosecutor to give advice to the Board of County Commissioner and other public officers of this County when requested in all public matters arising in the conduct of public business entrusted to the care of such office. Walker informed the Board that it is his duty as it relates to the County Commissioners. Walker stated that he would not have to have a weekly meeting with the Board, but that has been the tradition that the Commissioners generally have a weekly meeting with the prosecutor.

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Walker discussed State Code 39-4116 “Local Government” adoption and enforcement of building codes. Walker read the code as follows: “Local governments shall exempt Agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A County may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the County of issuing the permits.” Walker discussed the reference of Agricultural /farm buildings and said he believes that is presumed that they are the same. Walker discussed Idaho Code 67-6529, Local Land Use Planning Act which reads, “board of County commissioners to enact any ordinance or resolution which deprives any owner of full and complete use of Agricultural land for production of any Agricultural product. Agricultural land shall be defined by local ordinance or resolution.” This means the definition of Agricultural land is determined at the local level.

Haines stated he had found the definition of Ag building under HVAC in Title 54 Chapter 50. Haines read the definition from Chapter 50 Idaho code on the record.

Wilkerson inquired how Commissioners have authority to put setbacks on Agricultural land.

Walker stated that is found in 39-4116 paragraph 5 of Idaho Code. Walker read 39-4116 paragraph 5 on the record.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board.

Haines stated he believed a public hearing should be scheduled regarding the proposed Ag building permit fee. A Commissioner Public Hearing will be scheduled for March 6, 2023 at 1:00 p.m.

Walker stated Local Land Use Planning hearings would go through the Planning and Zoning Commission.

Haines clarified the purpose of setbacks on Agricultural buildings and stated the intent of the proposed Ag building permit fee is to not have a building constructed in County or roadway setbacks.

Brent stated there is a definition of an Ag building in State Building Code and that the County has adopted State Building Code.

Wilkerson inquired what the process is to obtain a permit to build a shop.

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Brent stated that plans have to be submitted and reviewed by the building inspector, then permits are issued.

There was continued discussion of the definition of an Ag building versus a shop.

Haines stated that the intent is to determine what building in the County should the building inspector inspect to make sure they meet building code. Historically, the County did not worry about Agricultural buildings meeting building code. The Board can govern for health and safety.

There was discussion of whether or not to charge a permit fee.

IN THE MATTER OF AMBULANCE)

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

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

Christy Maldonado with the Ambulance District met with the Board. Order No. 23-14 for general expenses in the amount of \$2,969.08 and Order No 23-0008 for payroll expenses in the amount of \$28,200.67 was presented to the Board for review.

Maldonado reported the Ambulance District had thirty-six calls for service last week which included nine transfers and ten public assists/refusals for care. Maldonado provided an update on the cost of repairs to the ambulances.

Lyndon Haines moved, seconded by Gordon Wilkerson to approve Order No. 23-14 for general expenses in the amount of \$2,969.08. Motion carried.

Nate Moved, seconded by Gordon Wilkerson to approve Order No. 23-0008 for patrol expenses in the amount of \$28,200.67. Motion carried.

Lyndon Haines moved, seconded by Gordon Wilkerson to go into executive session at 11:12 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. Motion carried unanimous. Gordon Wilkerson, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Lyndon Haines stated they were out of executive session at 11:15 a.m.

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

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

IN THE MATTER OF COUNTY EXTENSION)

Tyler O'Donnell and Mikayla Reed met with the Board. Reed informed the Board she will be leaving the Extension Office as of February 17, 2023. Reed also provided an update on 4-H enrollment.

Tyler O'Donnell discussed making repairs to the front corner near the extension building and installing a 4x6 sign at the location.

O'Donnell inquired if an instructor would be allowed to have firearms in the classroom to do non-shooting presentations at the Extension Office.

Prosecutor Walker stated the instructor could have a firearm in the classroom.

Wilkerson thanked the Extension Office staff for classes that have been provided to the community.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board.

Odoms presented Resolution No. 2023-03 supporting the project identification submittal for the construction of Unity Lane Bridge to the Board for review.

There was discussion regarding ADA (Americans with Disabilities Act) compliance and Federal funding.

Odoms discussed CDL licensing and requirements with the Board.

Lyndon Haines moved to adopt and read Resolution No. 2023-03 supporting the project identification submittal for the construction of Unity Lane Bridge on the record. The motion was seconded by seconded by Nate Marvin with all in favor.

Nate Marvin moved, seconded by Gordon Wilkerson to allow the Chairman to sign the 3.1.1 ITD (Idaho Department of Transportation) 2435 Local Federal-Aid Project Request. Motion carried.

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Odoms discussed repairs to Chicken Creek and Monroe Creek Road and possible grant funding available through the Soil Conservation District. Odoms stated the work must be completed by June 2023. Odoms provided an update on staffing and open positions. Odoms informed the Board that the new excavator is on site.

Per Wilkerson's request, Odoms reviewed the current snow removal policy.

Odoms provided an update on the timelines for Cove Road Bridge. There was discussion regarding drainage on Couper Road.

The group discussed the snowmobile parking on Seid Creek. Odoms stated cattle guards had to be installed and a turnaround has to be completed.

Motion by Lyndon Haines, seconded by Gordon Wilkerson and unanimously carried to recess at 12:14 p.m. until January 23, 2023 at 8:45 a.m.

Chairman, Board of County Commissioners

ATTEST:

Clerk

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