

**COMMISSIONERS MINUTES**

**JANUARY 21, 2014**

The Elmore County Commissioners met in regular session on the above date in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4<sup>th</sup> East, Mountain Home, Idaho.

Present at the meeting were Chairman Al Hofer, Commissioners Bud Corbus and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, and Deputy Clerk Shelley Hooper.

Motion by Hofer, second by Wootan, to approve the minutes for January 13, 2014.

**HOFER ..... -AYE**

**CORBUS ..... -AYE**

**WOOTAN ..... -AYE**

**Motion carried and so ordered.**

The Arrowrock Road winter maintenance billing was discussed. Alan Lake, of the Atlanta Highway District, was on speaker phone and clarified the initial billing to Elmore County for the road maintenance.

Motion by Hofer, second by Wootan, to approve the Certificate of Residency applications for Shannon Marie Conway, Angelina Castro Garcia, Feona Jenine Peele-Nowk, Michael A. Daniels, Lara N. Mott, Vance T. Poe, Taylor P. Rector, Daniel S. Welle, Stormy Graciella Gates and Garrett M. Bowman.

**HOFER ..... -AYE**

**CORBUS ..... -AYE**

**WOOTAN ..... -AYE**

**Motion carried and so ordered.**

County Prosecutor Kristina Schindele, Sheriff Rick Layher, Assessor Ron Fisher, Mir Seyedbagheri and Dave Humphreys of the Extension Office appeared to discuss the personal use of county vehicles. Ms. Schindele reviewed the IRS regulations for what constitutes taxable use of a county vehicle. If an employee takes a county vehicle on work related business, then drives the vehicle home, their mileage to their worksite the next day is taxable travel. She also reviewed tax exempt employees, which include law enforcement employees. Commissioner Wootan questioned whether Mr. Humphreys’ use of the department’s spray truck would be considered exempt. Ms. Schindele stated that if the spray truck falls under the guidelines of a “specially designed vehicle” it would be considered tax exempt, but if it does not fall under the guidelines, it would be taxable travel. Mr. Humphreys will get pictures and specs for the spray truck to Clerk Steele, who will submit them to the county auditor so he can clarify if it is classified as a “specially designed vehicle”. Mr. Seyedbagheri discussed his county vehicle use. He stated that he uses the county vehicle for work related travel and, since he lives in Boise, he will take the car home if he has to go to a worksite or meeting in the Boise area the next day, instead of coming all the way back to Mountain Home to drop off the county vehicle. Ms. Schindele explained that in those instances, his commuting miles, from his home to the worksite, would be considered taxable travel and he needs to keep a log of such travel. On the other hand, if he would rather use his personal vehicle, he would still need to keep a log of his travels and can get reimbursement from the county for his work related mileage. Mr.

Seyedbagheri stated that he would rather use his own vehicle and log his miles for reimbursement than be taxed for using a county vehicle. Ms. Schindele reviewed the definition of de minimus personal use of a county vehicle, and “infrequent commuting”, which is considered not more than one day a month. Discussion followed regarding whether Mr. Humphreys taking the county spray truck home after a job would be considered de minimus use. The guidelines for county vehicle use by law enforcement officers were reviewed. Sheriff Layher will meet with the auditor to clarify if his civil process servicer and jail commander would be tax exempt for having a county vehicle. From now on, if an employee will be taking home a county vehicle, it should be reported to Clerk Steele and she will forward the information to the auditor.

Motion by Hofer, second by Corbus, to go into Executive Session pursuant to I.C. 67-2345(b) to discuss a personnel issue. Roll call vote was taken.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE**

**Motion carried and so ordered.**

Regular session resumed. No decision was made as a result of the Executive Session.

Ronda and Randy Avery, Idaho Waste Systems, appeared and reviewed the Consumer Price Index (CPI) rate for the Bennett Road Transfer Station. Ms. Avery stated that the CPI increase is 1.5% and is requesting that the rate charged per ton for operation of the Bennett Road Transfer Station be increased from \$12.50 per ton to \$12.69 per ton.

Motion by Corbus, second by Hofer, to approve the 1.5% CPI rate increase for Idaho Waste Systems for the rate per ton charge at the Bennett Road Transfer Station, increasing the rate from \$12.50 to \$12.69.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE**

**Motion carried and so ordered.**

Jeff Day, of the Elmore County Waterways Committee, and Wintauna Belt, of the Boise National Forest, appeared to discuss repairs to the Elk Creek boat ramps and docks, which were damaged during a flood. Mr. Day stated that the Waterways Committee would like to donate \$10,000.00 as a grant match for the project. Ms. Belt explained the damage in the area. At the upper boat ramp area, slabs were displaced and sections of the wooden dock were damaged by the water overflow and debris. The lower ramp collapsed while workers were removing debris from that area. She will be submitting an application for each project, with the upper boat ramp area being the priority, as that is the boat ramp that is most used for launches by law enforcement and emergency personnel. Mr. Day also updated the board of the progress on the Hammett Park improvements.

Motion by Corbus, second by Wootan, to approve the \$10,000.00 donation from the Waterways Fund to the Boise National Forest as a grant match for repairs to the Elk Creek boat ramps and docks.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to add the agenda a discussion with Assessor Ron Fisher regarding a personal property tax appeal issue.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Wootan, second by Hofer, to adjourn for lunch and a jail inspection.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Regular session resumed.

Assessor Ron Fisher appeared to discuss an issue regarding a personal property tax appeal. US Bank filed an untimely appeal for an assessment on a helicopter that was housed in the Life Flight hanger at the Mountain Home City Municipal Airport. Assessor Fisher reviewed the specifics of the assessment and discussion followed regarding resolution of the issue.

Motion by Hofer, second by Corbus, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to discuss indigent applications. Roll call vote was taken.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Regular session resumed. The following decisions were made as a result of the Executive Session:

K-09-13-08 Motion by Corbus, second by Wootan, to sign the Order of Dismissal as St. Luke’s Elmore withdrew the appeal.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

K-12-13-07 Motion by Corbus, second by Wootan, to deny as Elmore County is not the last resource.

**HOFER** ..... -**AYE**

**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Wootan, to suspend the reading of Resolution No. 541-14 and refer to it in title only.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Wootan, second by Hofer, to approve Resolution No. 541-14 Closing of County Offices due to Emergency Circumstances or Emergency Weather Conditions.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

**RESOLUTION NO. 541-14**

**AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 21st DAY OF JANUARY 2014, THE FOLLOWING RESOLUTION WAS ADOPTED, TO WIT;**

WHEREAS, Elmore County (the “County”), acting through its Board of Commissioners (“Board”), pursuant to Idaho Code §§ 31-601 and 31-604 has the authority to effectively carry out the duties imposed by the provisions of the Idaho Code and Constitution; and

WHEREAS, the Board has the power and authority to perform the duties of the chief executive of the County pursuant to Idaho Code § 31-828; and

WHEREAS, under certain emergency weather conditions or other emergency circumstances, the Board may need to close non-emergency offices (excluding the Courts which shall be under the authority of the Administrative Judge for the County) of the County upon short notice and as a result the Board desires to appoint the Chairman, or the Vice-Chairman, if any, to make the decision on behalf of the Board to close the non-emergency offices of the County upon on the happening or the reasonable anticipation of emergency weather conditions or other emergency circumstances and to communicate such actions to the County Clerk for further dissemination to the non-emergency offices and employees; and

WHEREAS, those non-emergency and emergency offices of the County are listed on Exhibit A, which exhibit is attached hereto and made a part hereof; and

WHEREAS, nothing herein shall require the Chairman or Vice-Chairman to act upon such weather or other emergency and such commissioner may elect to defer the action until a regular, special or emergency meeting of the Board; and

WHEREAS, emergency operations for the County Courts and County employees supporting such Courts shall be subject to those rules and directives promulgated by the County Administrative Judge, pursuant to Idaho Court Administrative Rule 48.

NOW THEREFORE, BE IT THEREFORE RESOLVED, the Board of Elmore County Commissioners hereby appoints the Chairman of the Board or in his absence, the Vice-Chairman, if any, individually, to act on behalf of the Board for the sole purpose of determining if the County Offices for non-emergency operations shall be closed due to inclement weather or emergency, and for how long such non-emergency operations shall be closed.

It shall be further resolved, in the event of any closure of the County offices for non-emergency operations, the employees shall receive their regular pay for such period of time during the employees' normal working hours that the County offices are closed. For those employees working in emergency operations during the period that the County offices are closed for an emergency and the County offices are closed for such emergency, such employees shall be treated as if they worked during a holiday for such time as they actually worked and for such time as the County offices were closed due to such emergency. The foregoing shall not apply to any employee that is out of the office on sick or medical leave, vacation or travel for county purposes.

#### **EXHIBIT A**

##### **Elmore County non-emergency offices:**

- Assessor's Office, including license plates
- Clerk's Office
- Treasurer's Office
- Extension Office
- Fair Board and Fair Staff
- Land Use and Building Department
- E-911
- Weed and Pest Employees
- Civil Sheriff's Office employees
- Driver's Licenses

##### **Elmore County emergency offices:**

- Sheriff and Chief Deputy
- Dispatch
- Detectives
- Patrol offices
- Jail officers and staff
- Marine officers
- Other Sheriff's Department staff as directed by the Sheriff
- Courthouse Security
- Maintenance staff

- Ambulance and EMS staff
- Extrication
- Search and Rescue

**Elmore County Court Judges and Employees**

- The judges and court employees of the Elmore County Courts are not governed by this Resolution.
- Prosecutor’s Office shall work based upon the County Court’s schedule.

Approved as a Resolution of the Elmore County Board of Commissioners effective on this 21st day of January 2014.

**ELMORE COUNTY COMMISSIONERS**

**/S/ ALBERT HOFER, Chairman**  
**/S/ FRANKLIN L. CORBUS, Commissioner**  
**/S/ WESLEY R. WOOTAN, Commissioner**  
**ATTEST: /S/ BARBARA STEELE, Clerk**

Motion by Hofer, second by Corbus, to adjourn.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN..... -AYE**

**Motion carried and so ordered.**

**/S/ ALBERT HOFER, Chairman**  
**ATTEST: /S/ BARBARA STEELE, Clerk**