

**COMMISSIONERS MINUTES**

**DECEMBER 31, 2015**

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 Wes Wootan, Commissioner Bud Corbus, Civil Attorney Buzz Grant, Clerk Barbara Steele, and Deputy Clerk Shelley Essl. Commissioner Hofer will be late.

Motion by Wootan, second by Corbus, to go into Executive Session pursuant to I.C. 74-206(d) – 31-874 to discuss indigent applications. Roll call vote was taken.

**WOOTAN** ..... **-AYE**  
**CORBUS** ..... **-AYE**  
**HOFER** ..... **-ABSENT**                    **Motion carried and so ordered.**

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

K-11-15-06 Motion by Corbus, second by Wootan, to deny as the applicant failed to cooperate to determine residency, indigency and last resource. The applicant missed two appointments for interview and is not indigent.

**WOOTAN** ..... **-AYE**  
**CORBUS** ..... **-AYE**  
**HOFER** ..... **-ABSENT**                    **Motion carried and so ordered.**

K-11-15-09 Motion by Corbus, second by Wootan, to suspend the application as the applicant meets the criteria but has a pending SSI/SSD decision.

**WOOTAN** ..... **-AYE**  
**CORBUS** ..... **-AYE**  
**HOFER** ..... **-ABSENT**                    **Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to approve the minutes for October 23, 2015 and November 6, 2015.

**WOOTAN** ..... **-AYE**  
**CORBUS** ..... **-AYE**  
**HOFER** ..... **-ABSENT**                    **Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to approve the expenses in the amount of \$154,092.74.

**WOOTAN** ..... **-AYE**  
**CORBUS** ..... **-AYE**  
**HOFER** ..... **-ABSENT**                    **Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to approve the Pest Abatement District Expenses in the amount of \$367.62, payable to Verizon Wireless-\$32.68, Centurylink-\$34.57, James Torbert-\$178.00, C&A Auto-\$105.69 and D&B Supply-\$16.68.

**WOOTAN..... -AYE**  
**CORBUS..... -AYE**  
**HOFER..... -ABSENT**                   **Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to approve the Ambulance District Expenses in the amount of \$571.21, payable to Mountain Home Auto Ranch-\$365.37 and Verizon Wireless-\$205.84.

**WOOTAN..... -AYE**  
**CORBUS..... -AYE**  
**HOFER..... -ABSENT**                   **Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to approve the Certificate of Residency applications for Daniel J. Dunn, Randy E. Scales and Thais D. Scales.

**WOOTAN..... -AYE**  
**CORBUS..... -AYE**  
**HOFER..... -ABSENT**                   **Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to approve the establishment of polling places for the March 8, 2016 Presidential Primary Election.

**WOOTAN..... -AYE**  
**CORBUS..... -AYE**  
**HOFER..... -ABSENT**                   **Motion carried and so ordered.**

A short recess was taken. Regular session resumed.

Attorney Grant updated the board on amendments he prepared for the Landfill Mitigation Agreement and the Solid Waste Management Services Agreement with Idaho Waste Systems (IWS). He sent the amendments to Jack Yarbrough for his review. Attorney Grant just received a phone call from Mr. Yarbrough’s attorney regarding the amendments. Mr. Yarbrough’s attorney told Attorney Grant that they are objecting to several things in the proposed amendment, and Attorney Grant reviewed those objections with the board. Discussion followed.

Stephaney Church, representing the Forest Service, appeared to discuss an issue with herd districts and federal lands. John Faulkner and Steve Damele also appeared to discuss the issue. Due to some recent accidents, it has come to Ms. Church’s attention that there is forest service land located within Herd District 5. Ms. Church explained that per Idaho Statue, no herd district shall contain any lands owned by the United States of America or the State of Idaho, upon which the grazing of livestock has historically been permitted. She stated that the attorney for the forest service interprets that as being that the forest

service property cannot be included in the herd district. Attorney Grant stated that there is a Supreme Court authority that says a herd district that contains federal lands are invalid, but you would need a court declaration to confirm that. So, while it may not be a valid herd district, it has been operating as one for a hundred years and would need the court declaration to confirm that it is invalid. Mr. Faulkner explained that there was an accident on a road within the herd district involving one of his steers and the attorneys are trying to sort out who is liable, since the accident was near federal land. Chairman Wootan asked if the forest service wants the lands to be included in a herd district. Mr. Church explained that if the land was to be considered as a herd district, it is not properly fenced to make it a valid herd district. But properly fencing it in would cause them to not meet the forest plan standard for wildlife passage. The forest service would then be in direct conflict with their own forest plan in order to operate as a herd district in such a way that no livestock could ever get out onto a road. She stated that aside from the liability issues, it is a very difficult position for the forest service to be in trying to figure out how to accommodate a herd district and still allow wildlife to pass through. It is their attorney's opinion that it is open range across federal lands. She spoke with the Glenns Ferry Highway District about putting up open range signs and additional wildlife crossing signs, which they will do. There was discussion on whether the herd district can be dissolved. Attorney Grant reviewed the steps that will need to be taken to dissolve a herd district. Discussion followed.

Jeff Day, Fish and Game, stopped into the meeting to introduce new fish and game officer Brian Perkes.

Alan Christy, Land Use and Building Department Director, appeared to discuss an appointment to the Planning and Zoning Commission. K.C. Duerig's term on the commission expired and he requested to stay on for another four year term. Mr. Christy did not receive any applications to fill this spot and recommended to the board that Mr. Duerig be reappointed for a four year term.

Motion by Wootan, second by Corbus, to reappoint K.C. Duerig to the Planning and Zoning Commission for a four year term.

**WOOTAN**..... **-AYE**  
**CORBUS**..... **-AYE**  
**HOFER** ..... **-ABSENT**                      **Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to suspend the reading of Resolution No. 582-15 and refer to it in title only.

**WOOTAN**..... **-AYE**  
**CORBUS**..... **-AYE**  
**HOFER** ..... **-ABSENT**                      **Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to approve Resolution No. 582-15 Destruction of Certain Elmore County Records for the Prosecutor's Office.

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

**CORBUS** ..... -**AYE**  
**HOFER** ..... -**ABSENT**                      **Motion carried and so ordered.**

**RESOLUTION NO. 582-15**

**AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 31<sup>st</sup> DAY OF DECEMBER 2015, THE FOLLOWING RESOLUTION WAS UNANIMOUSLY ADOPTED, TO WIT:**

**WHEREAS**, the Board of Elmore County Commissioners is permitted, pursuant to Idaho Code § 31-871(2), Idaho Code, to authorize the destruction of certain Elmore County Records; and

**WHEREAS**, the County of Elmore, acting through its Board of County Commissioners, has possession of numerous paper records which prove to be of no further purpose. The Prosecutor’s Office desires to destroy the following certain “Permanent Records” and/or “Semi-permanent Records” under Idaho Code § 31-871:

Elmore County Prosecutor’s Office –  
“Permanent Records”

- certain investigation files (which did not result in charges filed) where the last action taken exceeds 10 years ago (list on file in Clerk’s Office)

“Semi-permanent Records”

- certain misdemeanor files REDUCED from felony for the years 2005 and 2006 (list on file in Clerk’s Office)
- certain juvenile files where juvenile turned 18 more than 5 years ago or juvenile was discharged more than 5 years ago (whichever occurred later) (list on file in Clerk’s Office)

**WHEREAS**, approval for the destruction of the below listed records has been obtained from the Prosecuting Attorney, as provide by Idaho Code § 31-871.

**NOW, THEREFORE, BE IT RESOLVED**, that the Elmore County Board of Commissioners in lawful meeting assembled hereby authorizes the destruction of the paper records retained by the Elmore County Prosecuting Attorney’s Office reflected in the lists attached hereto.

**DATED** this 31<sup>st</sup> day of December 2015.

**ELMORE COUNTY COMMISSIONERS**  
**/S/ WESLEY R. WOOTAN, Chairman**  
**/S/ FRANKLIN L. CORBUS, Commissioner**  
**/S/ ALBERT HOFER, Commissioner**

**ATTEST: /S/ BARBARA STEELE, Clerk**

A short recess was taken. Regular session resumed.

Commissioner Hofer joined the meeting.

Landfill issues and amendments to the Landfill Mitigation Agreement and the Solid Waste Management Services Agreement were revisited.

Commissioner Corbus will be attending a meeting with the Idaho Department of Water Resources to discuss a request for funding support for a water supply study to be performed by SPF Water Engineers. If the funding is approved, the county would have to contribute 1/3 of the cost of the study in the amount of \$40,000.00.

Motion by Hofer, second by Wootan, to authorize Commissioner Corbus to commit to a \$40,000.00 county contribution to the Elmore County Water Supply Study.

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

**Motion carried and so ordered.**

Motion by Wootan, second by Hofer, to adjourn.

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

**Motion carried and so ordered.**

**/S/ WESLEY R. WOOTAN, Chairman**  
**ATTEST: /S/ BARBARA STEELE, Clerk**