

ORDINANCE NO. 2009-4

AN ORDINANCE ESTABLISHING AN ADVISORY BOARD TO THE ELMORE COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE PURPOSE OF PROVIDING NONBINDING ADVICE TO THE ELMORE COUNTY BOARD OF COUNTY COMMISSIONERS CONCERNING THE OPERATION AND ADMINISTRATION OF THE ELMORE COUNTY PEST ABATEMENT DISTRICT AND SETTING FORTH THE DUTIES AND RESPONSIBILITIES, TERMS OF OFFICE AND COMPENSATION OF THE ADVISORY BOARD.

WHEREAS, the residents of Elmore County (the "County"), Idaho, in the general election held on November 4, 2008, voted to formalize a pest abatement district as the Elmore County Pest Abatement District ("Pest Abatement District"); and

WHEREAS, the Pest Abatement District consists of all the real property within the County borders; and

WHEREAS, the Pest Abatement District has the directive to abate mosquitoes and other vermin of public health and welfare importance; and

WHEREAS, the Elmore County Board of Commissioners ("County Commissioners") appointed the Board of Trustees ("Trustees") of the Pest Abatement District on March 30, 2009, pursuant to Idaho Code § 39-2803 and County officials are ex-officio members of the Board of Trustees of the Pest Abatement District; and

WHEREAS, on June 29, 2009, the Trustees and the County Commissioners adopted a joint resolution to transfer administration of the Elmore County Pest Abatement District to the Elmore County Board of Commissioners pursuant to Idaho Code § 39-2813; and

WHEREAS, pursuant to Idaho Code § 39-2813, the County Commissioners desire to provide that the Trustees shall serve and function as an advisory board ("Advisory Board") to the County Commissioners and shall serve at the pleasure of the County Commissioners, without compensation, and provide non-binding advice and counsel to the County Commissioners; and

WHEREAS, on June 29, 2009, the Trustees agreed to serve as an Advisory Board for the Pest Abatement District; and

WHEREAS, the County Commissioners desire to establish the respective duties and responsibilities of the County Commissioners and the Advisory Board for the Pest Abatement District as well as the terms of office and compensation for the Advisory Board; and

WHEREAS, the County Commissioners held a public hearing on this ordinance on August 24, 2009.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO:

SECTION 1: The County Commissioners do hereby establish that the Board of Trustees of the Pest Abatement District shall serve as an Advisory Board to the County Commissioners pursuant to Idaho Code § 39-2813 whose purpose shall be to provide nonbinding advice and counsel to the County Commissioners concerning the budget, operation and administration of the Pest Abatement District. The County Commissioners shall hereby retain and exercise the powers, duties and responsibilities charged to the Board of Trustees. Additionally, the County Commissioners shall have those duties and responsibilities set forth in Section 5 of this Ordinance and the Advisory Board shall have those duties and responsibilities set forth in Section 6 of this Ordinance.

SECTION 2: The Advisory Board shall be made up of five (5) members, all of whom shall be residents of the County. Each Advisory Board member shall serve at the pleasure of the County Commissioners. Members of the Advisory Board shall serve without compensation, but their actual reasonable expenses shall be reimbursed as approved by the County Commissioners.

SECTION 3: Terms of appointment shall be for four (4) years; provided, however that the initial appointments to the Advisory Board shall be as follows: two (2) members shall be appointed for two (2) years, one (1) member shall be appointed for three (3) years and two (2) members shall be appointed for four (4) years. All subsequent appointments following the expiration of the initial terms shall be for four (4) years. Any appointment that occurs during a four-year term of appointment shall be for the remainder of that term.

SECTION 4: The Advisory Board or the County Commissioners may schedule Advisory Board meetings by giving reasonable notice of the time and place of such meeting to the Advisory Board members and the public in accordance with the open meetings act, Idaho Code § 67-2340 *et seq.*, as it may be amended from time to time. The Advisory Board may elect such officers as it deems necessary and adopt procedural rules not inconsistent with the Idaho Mosquito and Vermin Abatement Act ("Act"), Idaho Code §§ 39-2801 through 2814, as it may be amended from time to time, or this Ordinance.

SECTION 5: The County Commissioners shall have the following duties for the Pest Abatement District:

A. To appoint a director, to direct the activities of the Pest Abatement District, and such other persons as necessary, determine their duties, compensation and make rules and regulations respecting them;

B. To take all necessary and proper steps for the control of mosquitoes and other vermin of public health and welfare importance in the Pest Abatement District;

C. To sue and be sued;

D. To purchase, hold, dispose of, and acquire by gift real and personal property in the name of the Pest Abatement District To exercise the right of eminent domain and to condemn necessary land or rights-of-way in accordance with general law and Idaho Code § 39-2804;

E. To abate as nuisance breeding places of mosquitoes or other vermin of public health and welfare importance within the district or within migrating distance of the district by use of chemicals or permanent control measures and in this connection have the right to enter upon any and all lands;

F. To approve written mosquito or other vermin management plans submitted by landowners requesting that their property be excluded from treatment by the Pest Abatement District;

G. To approve the mosquito or other vermin management plan for the Pest Abatement District; and

H. To take those actions which are assigned to the Advisory Board as may be necessary.

SECTION 6: The Advisory Board shall have the following duties for the Pest Abatement District:

A. To advise the County Commissioners on those duties set forth in Section 5 of this Ordinance;

B. To work with lateral ditch water users associations, irrigation drainage and flood control districts and other cooperating organizations regarding mosquito or other vermin management plans and the plans of the Pest Abatement District;

C. To prepare a budget for the Pest Abatement District for approval by the County Commissioners;

D. To file, annually or by February 1st of the succeeding year, with the County Commissioners a report setting forth the moneys expended during the previous year, methods employed and work accomplishments;

E. To review and recommend a course of action to the County Commissioners regarding written mosquito or other vermin management plans

submitted by landowners requesting that their property be excluded from treatment by the Pest Abatement District;

G. To prepare a mosquito or other vermin management plan for the Pest Abatement District for the review and approval by the County Commissioners;

H. To act and serve as a liaison between the County and the residents of the County to communicate the concerns of the residents pertaining to the abatement of mosquitoes and other vermin of public health and welfare importance of the County to County Commissioners and when appropriate communicate County policy to residents of the County, all pertaining to the Pest Abatement District; and

I. Those other responsibilities and duties as may be requested by the County Commissioners pertaining to the Pest Abatement District.

SECTION 7: This Ordinance may be repealed at any time and, if repealed, the provisions of the Act shall govern the operation of the Pest Abatement District..

SECTION 8: This Ordinance shall take effect and be in force after its passage, approval and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code § 31-715A may be published.

Dated this 24th day of August, 2009.

BOARD OF ELMORE COUNTY COMMISSIONERS



By: Larry E. Rose
Larry Rose, Chairperson

By: Connie M. Crusier
Connie Crusier, Commissioner

By: Archie Shaw
Archie Shaw, Commissioner

ATTEST:

Marsa Plummer

Marsa Plummer, Elmore County Clerk
Date of publication: September 2, 2009

**SUMMARY OF
ORDINANCE 2009-4**

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WHEREAS, the County Commissioners desire to establish the respective duties and responsibilities of the County Commissioners and the Advisory Board for the Pest Abatement District as well as the terms of office and compensation for the Advisory Board; and

WHEREAS, the County Commissioners held a public hearing on this ordinance on August 24, 2009.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO:

The following Sections are included in the Ordinance: Section 1, Section 2, Section 3, Section 4, Section 5 a. through h. Section 6 a. through i., Section 7 and Section 8. are included in the ordinance. **The full copy of this Ordinance is available in the Recorder's Office, 150 South 4th East, Mountain Home, Idaho.**

This Ordinance shall be in full force and effect from and after its passage, approval, and publication. **DATED** this 24th day of August 2009.

/S/ LARRY E. ROSE, Chairman

/S/ CONNIE CRUSER, Commissioner

/S/ LARRY ROSE, Commissioner

ATTEST: /S/ MARSA PLUMMER

Clerk of the Board of County Commissioners

1 Publication – September 2, 2009

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This Ordinance shall be in full force and effect from and after its passage, approval, and publication. DATED this 24th day of August 2009.

/s/ LARRY E. ROSE, Chairman
/s/ CONNIE CRUSER, Commissioner
/s/ LARRY ROSE, Commissioner
ATTEST: /s/ MARSA PLUMMER
Clerk of the
Board of County Commissioners

One Publication: September 2, 2009.

AFFIDAVIT OF PUBLICATION

County of Elmore }
State of Idaho }ss.

I, **Coleen W. Swenson**, do solemnly swear that I am the Publisher of the:

Mountain Home News


A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 1 consecutive weeks, the first publication having been made on the 2nd day of Sept, 2009, and the last publication having been made on the 2nd day of Sept, 2009; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.



Publisher

Subscribed and sworn to me this 16th day of Sept, 2009.



Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2011**.

