COMMISSIONERS MINUTES

OCTOBER 6, 2017

The Elmore County Commissioners met in regular session on the above date in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4th 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 Essl.

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

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

Motion carried and so ordered.

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

K-08-17-04 Motion by Corbus, second by Hofer, to amend the approval to include Anesthesia Associates that was left off the original provider page.

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

Motion carried and so ordered.

K-08-17-07 Motion by Corbus, second by Hofer, to deny as not the last resource until liability insurance can be pursued.

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

Motion carried and so ordered.

K-08-17-09 Motion by Corbus, second by Hofer, to approve with a reimbursement order of $50.00 per month and 50% of federal and state income tax refunds.

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

Motion carried and so ordered.

K-08-17-10 Motion by Corbus, second by Hofer, to deny as the applicant and third party applicant failed to cooperate to determine residency, indigency or last resource. The applicant may be an Owyhee County resident.

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

Motion carried and so ordered.
Joel King of Kings Roofing appeared to discuss an insurance liability issue. Once their roofing jobs are completed, they need a final inspection by the county. If they are no longer on site, the building inspector does an inspection from the ground. If it is a single story unit, the inspector can see the majority of the roof, but if it is a two story unit they will need to be on site to provide the inspector with the safety equipment and ladders to get onto the roof. Mr. King is concerned that he will be liable if the inspector falls or gets injured while using their equipment. He is also concerned with the fact that they have to take the time to go back to every job or leave their equipment behind so the inspector can access the roof. Chairman Hofer stated that the county will provide the inspector with the equipment needed to complete the inspections.

Bob Stephenson, Jon Hunt and Barry Watson, Stephens Computer Consulting, appeared to discuss IT services. Mr. Stephenson would like to implement a ticket or work order system to make sure computer issues are getting resolved in a timely manner. He is also working on adding another person to provide IT services each week or adding an additional day per week to resolve IT issues. Discussion followed.

Motion by Hofer, second by Wootan, to go into Executive Session pursuant to I.C. 74-206(b) to discuss a personnel issue. Roll call vote was taken.

**Motion carried and so ordered.**

Regular session resumed. The following decision was made as result of the Executive Session.

Motion by Corbus, second by Wootan, to approve the personnel action that was discussed in Executive Session.

**Motion carried and so ordered.**

A recess was taken as the commissioners room was being used for a State Board of Tax Appeal hearing.

Motion by Hofer, second by Wootan, to approve the Certificate of Residency applications for Wesley E. Arce, Javier Baltazar Ruiz, Jaden B. Bennett, Katrina J. Lopez Martin, Emmett B. McCallum, Erin K. Hartman, Autumn L. Hastings and Derek M. Johnson.

**Motion carried and so ordered.**

-AYE

Motion carried and so ordered.

Motion by Hofer, second by Corbus, to approve the Pest Abatement District Expenses in the amount of $8,291.01, payable to Verizon Wireless-$52.97, Centurylink-$107.76, Elmore Count-$5,982.00, Buck’s Lock & Key-$75.00, Carr’s Home Lumber-$47.48, DDS Signs & Graphics-$49.01, Mountain Home Auto Parts-$19.96, Express Services, Inc-$1,406.55, Mountain Home Auto Ranch-$48.05 and Walmart Community-$502.23.

-AYE

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve the Ambulance District Expenses in the amount of $5,924.78, payable to Verizon Wireless-$295.28, Elmore County-$4,652.92 and Bastida Auto Repair & Salvage-$976.58.

-AYE

Motion carried and so ordered.

Motion by Wootan, second by Hofer, to approve the expenses in the amount of $475,724.74.

-AYE

Motion carried and so ordered.

Motion by Wootan, second by Hofer, to approve the payroll for September 2017 in the amount of $521,868.58.

-AYE

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve the Recorder’s Office Report for the record only.

-AYE

Motion carried and so ordered.

Motion by Hofer, second by Corbus, to approve the polling places for the November 7, 2017 Election.

-AYE
Motion by Hofer, second by Corbus, to approve and sign the Smart 911 Services Agreement Addendum.

Motion carried and so ordered.

Motion by Hofer, second by Corbus, to approve and sign the Computer Arts Software and Support Agreement for the Sheriff’s Department.

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve and authorize the Chairman to sign the County Extension Office Budget Agreement.

Motion carried and so ordered.

Motion by Hofer, second by Corbus, to approve and sign the Professional Services Agreement for Probation Services with Steven Dye.

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve and sign the Juvenile Detention Housing Agreement with Twin Falls County.

Motion carried and so ordered.

Motion by Hofer, second by Corbus, to approve and sign the Ada County Pathology Agreement.

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to go into Executive Session pursuant to I.C. 74-206(b) to discuss a personnel issue. Roll call vote was taken.
Regular session resumed. No decision was made as result of the Executive Session.

Motion by Hofer, second by Corbus, to adjourn for lunch.

**Motion carried and so ordered.**

Commissioner Corbus left the meeting.

Regular session resumed.

Geoff Schroeder appeared to give a brief review of House Bill 63-602NN regarding investment property tax exemptions.

Motion by Wootan, second by Hofer, to approve Ordinance No. 2017-03 Investment Property Tax Exemption.

**Motion carried and so ordered.**

**ELMORE COUNTY ORDINANCE 2017-03**

**MINIMUM INVESTMENT AMOUNT NECESSARY TO QUALIFY FOR PLANT INVESTMENT PROPERTY TAX EXEMPTION UNDER IDAHO CODE § 63-602NN**

**AN ORDINANCE OF ELMORE COUNTY, IDAHO, ESTABLISHING THE MINIMUM INVESTMENT AMOUNT NECESSARY TO QUALIFY FOR THE TAX EXEMPTION AS SET FORTH IN IDAHO CODE SECTION 63-602NN FOR PLANT INVESTMENT; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS,** Idaho Code § 63-602NN provides that the Board of County Commissioners of counties may exempt all or a part of the change from base value attributable directly to a plant investment for a period of up to five years provided that all requirements of that section are met; and

**WHEREAS,** the Idaho Legislature amended Idaho Code § 63-602NN to allow counties to adopt an ordinance which establishes a minimum plant investment amount of not less than five hundred thousand
dollars ($500,000) at all project sites within the county as one of the requirements in order for plant
investment to qualify for the exemption, effective July 1, 2017; and

WHEREAS, the Board of Commissioners of Elmore County finds that a minimum plant investment
amount of $500,000.00 combined with meeting the other requirements of Idaho Code § 63-602NN could
stimulate economic development in Elmore County.

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

SECTION I. PURPOSE.

1. The purpose of this ordinance is to provide reasonable incentives for commercial and industrial
development while providing adequate health, safety and general welfare protections of Elmore County
residents.

2. The definitions contained in Idaho Code § 63-602NN(2) are incorporated herein and shall apply to the
provisions of this ordinance.

3. This ordinance is not intended to and shall not be deemed to constitute a commitment to the taxpayer
of any property tax exemption, which property tax exemption, if made, shall be in the sole discretion of
the Board of County Commissioners.

SECTION II. MINIMUM INVESTMENT AMOUNT NECESSARY TO QUALIFY FOR THE
TAX EXEMPTION.

1. Per Idaho Code § 63-602NN(2)(g), the minimum investment amount for plant investment at project
sites within Elmore County, Idaho is set at a minimum threshold of five hundred thousand dollars
($500,000.00); and

2. Those seeking a property tax exemption under Idaho Code § 63-602NN must meet all requirements of
Section 63-602NN(g), Tax incentive criteria, in order to be granted the property tax exemption.

SECTION III. PRELIMINARY NEGOTIATIONS, SEQUENCING AND TIMING

If the project for which the exemption is sought requires, or the applicant seeks for the project, permits or
approvals under the County’s land use ordinances, such actions shall be concluded, through any appeals
to the Board of County Commissioners, prior to commencing any preliminary negotiations or exemption
applications under the sections below.
SECTION IV. APPLICATION

In order to be considered, an application must include a project plan. Applications will initiate final negotiations and preparation of documents that will be necessary for the Board to consider and approve an exemption. Once documents are prepared and submitted to the Board, a public meeting will be placed on the Board’s agenda.

SECTION V. NOTIFICATION AND PUBLIC MEETINGS

Before granting an exemption pursuant to this Ordinance, the Board of Commissioners shall hold a public meeting on the application for exemption in compliance with Idaho Code §63-602NN, a copy for convenience which is stated below.

The Board shall provide notification as follows:

a. A summary of the application under consideration; and
b. Written notice of the time, date, and location of the public meeting, and an invitation to participate in the meeting to all affected taxing districts, urban renewal agencies and the Idaho Department of Commerce at least five (5) calendar days before the meeting.

SECTION VI. APPROVALS

At or after the public meeting, the Board will consider the application and make determinations regarding whether the exemptions will be granted, and if so, to what extent. Approval of an exemption, if any, shall be in the form of a written agreement which shall be considered a contract arrangement between the County and the taxpayer for the exemption time period granted by the Board.

SECTION VII. TERMINATION AND WITHDRAWAL OF EXEMPTION

If, within the project period, the use or nature of the defined project or investment in the new plant changes such that the project would no longer qualify for the tax exemption, the Board shall unilaterally terminate the agreement and withdraw the tax exemption.

SECTION VIII. CONFLICT

In the event of any conflict between this ordinance and Idaho Code §63-602NN, Idaho Code §63-602NN shall control.

SECTION IX. EFFECTIVE DATE
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 6th day of October, 2017.

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 Wootan, to go into Executive Session pursuant to I.C. 74-206(b) to discuss a personnel issue. Roll call vote was taken.

HOFER ........................................................ -AYE
WOOTAN .................................................... -AYE
CORBUS ...................................................... -ABSENT

Motion carried and so ordered.

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

Motion by Hofer, second by Wootan, to suspend the reading of Resolution No. 643-17 and refer to it in title only.

HOFER ........................................................ -AYE
WOOTAN .................................................... -AYE
CORBUS ...................................................... -ABSENT

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve Resolution No. 643-17 Destruction of Certain Elmore County Records-Prosecutor’s Office.

HOFER ........................................................ -AYE
WOOTAN .................................................... -AYE
CORBUS ...................................................... -ABSENT

Motion carried and so ordered.

RESOLUTION NO. 643-17

AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 6th DAY OF OCTOBER 2017, 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 “Semi-Permanent Records” under Idaho Code § 31-871:

Elmore County Prosecutor’s Office –
“Semi-Permanent Records”

- Certain misdemeanor files received between January 1, 2011 and December 31, 2011 (see attached list)(files are more than 5 years old), excluding any and all domestic battery files.

WHEREAS, approval for the destruction of the below listed records has been obtained from the Prosecuting Attorney, as provided 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 6th day of October, 2017

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 Wootan, to suspend the reading of Resolution No. 644-17 and refer to it in title only.
HOFER ........................................................................ -AYE
WOOTAN .......................................................... -AYE
CORBUS ................................................................. -ABSENT

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve Resolution No. 644-17 Transfer of Excess Tax Deed Sale Proceeds to the State Treasurer.

HOFER .......................................................... -AYE
WOOTAN .......................................................... -AYE
CORBUS ................................................................. -ABSENT

Motion carried and so ordered.
RESOLUTION NO. 644-17

A RESOLUTION OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, AUTHORIZING TRANSFER OF EXCESS SALE PROCEEDS TO THE STATE TREASURER PURSUANT TO IDAHO CODE § 31-808.

The following resolution and order was considered and adopted by the Elmore County, Idaho Board of Commissioners on the 6th day of October, 2017.

WHEREAS, Idaho code § 31-801 grants the general powers and duties, subject to the restrictions of law, to the boards of county commissioners in their respective counties; and

WHEREAS, Idaho Code § 31-828 grants the Board authority “to do and perform all other acts…which may be necessary to the full discharge of the duties of the chief executive authority of the county government”, and

WHEREAS, Idaho Code § 31-807 authorized the Board to manage county property subject to restrictions including, but not limited to, those described in Idaho Code § 31-808; and

WHEREAS, Idaho Code § 31-807 authorizes the Board to sell surplus properties acquired by tax deed; and

WHEREAS, Idaho code § 31-807 provided that proceeds from the sale of property acquired by tax deed, after payment of all delinquent taxes, late charges, interest and costs, (excess proceeds) be apportioned by the Board of parties in interest that makes claims, and then to the owners(s) of record at the time the tax deed was issued on the property; and

WHEREAS, Idaho Code § 31-808 was amended by 2016 Senate Bill 1347a to permit the County, after payment of party in interest claims, to transfer excess proceeds resulting from the sale of tax deeded properties to the State Treasurer to be claimed and distributed as unclaimed property; and

WHEREAS, the State Treasurer has indicated that he will accept transfer of unpaid excess proceeds in the possession of the County provided certain conditions are met; and

WHEREAS, the County has certain unpaid excess proceeds on account as set forth in Exhibit A, and finds that transferring said proceeds to the State Treasurer will result in more efficient processing of such claims; and

WHEREAS, the Board has determined that the County met the requirements for transferring said excess proceeds to the State Treasurer.
NOW THEREFORE, THE BOARD OF COMMISSIONERS IF ELMORE COUNTY, IDAHO HEREBY RESOLVES, that the excess proceeds, as described in Exhibit A, be transferred to the State Treasurer, pursuant to Idaho Code § 31-808, together with a completed unclaimed property report as directed by the State Treasurer and such other information that the State Treasurer might reasonable request.

IT IS FURTHER RESOLVED BY THE BOARD, that notice of said transfer be sent as required by Idaho Code § 31-808.

IT IS FURTHER RESOLVED BY THE BOARD, that this resolution shall be effective this 6th day of October, 2017.

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 Wootan, to adjourn.

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

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