



March 16 & 17, 2009, Emmett, Idaho

Pursuant to a recess taken on March 10, 2009, the Board of Commissioners of Gem County, Idaho, met in regular session this 16th day of March, 2009, at 8:00 a.m.

Present:	Lan Smith	Chairman
	Michele Sherrer	Commissioner
	Sharon Pratt	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

**March 16, 2009**

*A motion was made by Commissioner Pratt to add Ordinance 2009-02 for Eldon Smith Rezone to the consent agenda as item G. It was seconded by Commissioner Smith and carried unanimously.*

**PAYETTE RIVER GREEN ENERGY IDAHO DEPARTMENT OF COMMERCE  
RURAL COMMUNITY BLOCK GRANT PUBLIC HEARING:**

A public hearing was held to allow citizens of Gem County to have input on the development of Idaho Department of Commerce Community Development Block Grant applications.

Shawn Charters reviewed the Community Development Block Grant program, specifications of the grant and purpose of the grant including 52 new jobs to be created.

Morris Huffman, Woody Biomass Partnership Coordinator, spoke in favor of the grant stating this would be very valuable for utilization of the second growth of the biomass in the area he represents. An industry like this is needed for a base in moving forward.

Ross Stevens asked what is being done.

Payette Green Energy is a company out of Oregon purchasing property at the Shadow Butte Industrial Park putting together a three phase business plan including a chip and hog fuel, a pellet manufacturing facility and a sawmill. The three phases are to be completed by August of 2010 and will create 52 new jobs onsite. She said additional construction and other ancillary business such as logging and trucking businesses will add jobs also.

Commissioner Smith clarified that it would be a small wood conversion plant, otherwise called a stud mill, rather

than a sawmill.

A motion was made by Commissioner Sherrer to close the hearing. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made to approve the Idaho Community Development Block Grant application on behalf of Payette River Green Energy. It was seconded by Commissioner Pratt and carried unanimously.

**INDIGENT HEARING 09-015**: At 9:58 a.m. a motion was made by Commissioner Sherrer, seconded by Commissioner Pratt and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

Deputy Clerk Diane Wright and Ann Kaley with Saint Lukes were sworn in. Testimony was given. The case file was entered into the record as Exhibit A, new information filed by the applicant as Exhibit B and new Information filed by the clerk as Exhibit C.

After reconvening in regular session a motion was made by Commissioner Pratt to close the hearing. It was seconded by Commissioner Sherrer and carried unanimously.

A motion was made by Commissioner Pratt to reverse the previous denial based on additional information provided and approve case 09-015. It was seconded by Commissioner Sherrer and carried unanimously.

**INDIGENT APPLICATIONS**: At 11:02 a.m. a motion was made by Commissioner Sherrer, seconded by Commissioner Pratt and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

09-021	Sign Notice of Hearing
09-030	Medical Application
09-037	Non-Medical Application
09-038	Non-Medical Application
09-039	Sign Notice of Statutory Lien

After reconvening in regular session at 11:18 a.m., Commissioner Pratt made a motion to sign Notice of Hearing for 09-021; deny 09-030 because the county is not the last resource, incomplete application and failure to cooperate, and therefore unable to determine indigency; approve 09-037, deny 09-038 because no emergency exists, the county is

not the last resource and there is anticipated income; and sign Notice of Lien and N1 Lien as applicable for 09-039. It was seconded by Commissioner Sherrer and carried unanimously.

**FARM BUREAU ANNUAL LUNCHEON:** The Commissioners attended the annual Farm Bureau luncheon at LaCosta.

**CONSENT AGENDA:** The Consent Agenda included items A. Decision & Order for Eldon Smith Rezone, B. Water District 65-A Tax Roll Assessment Request, C. Squaw Creek Ditch Company Tax Roll Request for Delinquent Assessments, D. Letter to LeMaster Daniels Regarding Holladay Engineering Contract GC120512 in which invoices received have exceeded contract amount, E. Certificates of Residency for Kristi Anderson, Korri Dobson, Brian Doran, Amanda Gosse, Blake Kelley, Ashley Pulley-Adams, Bahalbra Storey, Hope Taylor, Victor Tilman, Nancy Trester and Jennifer Zeller, F. Addendum #2 for the sale of 42 acres at the Shadow Butte Industrial Park and G. Ordinance 2009-02 Eldon Smith Rezone.

A motion was made by Commissioner Sherrer to approve items A, D, E, F and G on the consent agenda. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Sherrer to approve item B. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Pratt to approve item C for the delinquent amount excluding the accrued interest. It was seconded by Commissioner Smith and carried with a nay vote from Commissioner Sherrer.

**APPROVAL OF MINUTES:** The minutes of March 09 & 10, 2009 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of March 09 & 10, 2009 as amended. It was seconded by Commissioner Smith and carried unanimously.

**JAIL INSPECTION:** The Commissioners conducted a quarterly inspection of the jail.

**GEM COUNTY ONE DAY CLOSURE WITHOUT PAY DISCUSSION/DECISION:** Assessor Himes and Treasurer Goins were present for this discussion. Due to the current economy property tax and sales tax revenues, along with other revenues, are anticipated to be lower than expected and budgeted. As part of cuts being done to allow for the anticipated

shortfall of revenue, the Commissioners decided that all county offices will be closed, with employees taking an 8 hour day without pay, on May 22<sup>nd</sup> except for Motor Vehicle and Sheriff's Patrol, Dispatch and Jail offices. The employees in those offices will take an 8 hour day off without pay as scheduled in each department by May 22<sup>nd</sup>. Employees who have already taken leave without pay can use accrued holiday, comp or vacation time to be paid for the mandatory day off. There will be no trading or donating of time between employees for this day without pay.

**CHARGING SALES TAX FOR GIS/SURVEY INFORMATION**

**DISCUSSION/DECISION:** With Assessor Himes and Treasurer Goins present, discussion was had regarding collecting and charging sales tax for GIS and Survey information provided to customers. Sales tax will be charged as required by state statute and remitted to the State Tax Commission.

**PERSONNEL POLICY DISCUSSION REGARDING FUNERAL LEAVE:** With Assessor Himes and Treasurer Goins, discussion was had regarding the consecutive days requirement in the current funeral leave policy, clarification of "step" family and using sick time for additional funeral leave. It was decided to add "(at the discretion of the supervisor)" after consecutive in the policy. It was discussed that a "step" family member is considered the same as a regular family member for example a step-brother is a brother and a step-grandparent is a grandparent. That was the decision of the Commissioners. A memo dated June 28, 2005 had previously amended the funeral leave policy to allow accrued vacation or sick leave with the approval of the department head.

Family Medical Leave was also discussed. It was also decided that the policy will be changed so that employees who are using accrued sick, vacation, holiday or comp time will accrue vacation and sick time while they are on FMLA. If an employee is on FMLA and has no accrued time to use, so they are not being paid while on leave, they will not accrue sick or vacation time.

**MOTOR VEHICLE ADMIN FEE DISCUSSION/DECISION:** With Assessor Himes present, discussion was had regarding charging \$4.50 rather than \$3.00 to cover costs. A hearing will be held regarding the increase.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on March 17, 2009.**

**March 17, 2009**

Commissioner Pratt attended the Shadow Butte Development Corporation Meeting.

Commissioner Smith attended the Local Emergency Planning Committee Meeting.

Commissioner Sherrer attended the Department of Environmental Quality Negotiated Rulemaking Vehicle Inspection and Maintenance Program meeting.

**PUBLIC WALK-IN**: Kristen Seitz with the Gem County Recreation District met with the Commissioners to discuss closing of streets for the Splash and Dash event relating to the Emmett Most Excellent Triathlon to request a letter of support for the closing of streets.

**PROSECUTING ATTORNEY MATTERS**: Deputy Prosecutor David Hargraves met with the Commissioners to discuss Prosecuting Attorney matters.

The Board recessed at 12:00 p.m. for lunch to reconvene at 1:15 p.m.

**DISHION ENTERPRISES ADULT MISDEMEANOR QUARTERLY REPORT**: Wade Dishion met with the Commissioners to review the fourth quarter 2008 quarterly report. Decreased numbers being referred for probation and collection of funds through the ISTARs system were discussed.

**ADMINISTRATIVE TIME**: The Commissioners worked on administrative issues.

The Board recessed at 5:00 p.m. to 8:00 a.m. on March 23, 2009.

Approved: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk