



September 13 & 14, 2010, Emmett, Idaho

Pursuant to a recess taken on September 7, 2010, the Board of Commissioners of Gem County, Idaho, met in regular session this 13th day of September, 2010, at 8:00 a.m.

Present:	Lan Smith	Chairman
	Michele Sherrer	Commissioner
	Sharon Pratt	Commissioner
	Leandra Rountree	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

September 13, 2010

Commissioner Pratt was absent from the meeting.

The Pledge of Allegiance was said.

**VACATED/ABANDONED PROPERTY DISCUSSION:** Development Services Director, Brad Hawkins-Clark and Code Enforcement Officer, Larry Robertson met with the Commissioners to discuss creating an ordinance for vacated and abandoned properties. The ordinance would allow for a fine to be imposed if the property is not maintained. Brad and Larry will speak with the Prosecuting Attorney.

**INDIGENT HEARING #10-038:** At 9:07 a.m. a motion was made by Commissioner Sherrer, seconded by Commissioner Smith 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 Smith, aye, and Commissioner Sherrer, aye.

Neither the applicant nor representatives from the hospital were in attendance. Deputy Clerk Diane Wright was sworn in. There was no new information.

Regular session reconvened at 9:10 a.m.

A motion was made by Commissioner Sherrer to uphold the previous denial on case 10-038. It was seconded by Commissioner Smith and carried unanimously.

*Commissioner Sherrer made a motion to add the approval of the levies to the agenda on Tuesday September 14, 2010 at 4:00 p.m. due to compliance with statutory obligations.*

*It was seconded by Commissioner Smith and carried unanimously.*

**INDIGENT HEARING #10-052:** At 10:10 a.m. a motion was made by Commissioner Sherrer, seconded by Commissioner Smith 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 Smith, aye, and Commissioner Sherrer, aye.

Neither the applicant nor representatives from the hospital were in attendance. Deputy Clerk Diane Wright was sworn in. The homeowner's insurance policy was entered into the record as exhibit C.

Regular session reconvened at 10:25 a.m.

A motion was made by Commissioner Sherrer to uphold the previous denial on 10-052 as it appears there are other additional resources to the applicant. It was seconded by Commissioner Smith and carried unanimously.

**INDIGENT APPLICATIONS:** At 11:18 a.m. a motion was made by Commissioner Sherrer, seconded by Commissioner Smith 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 Smith, aye, and Commissioner Sherrer, aye.

10-046	Medical Application
10-075	Medical Application
10-079	Non-Medical Application

After reconvening in regular session at 11:37 a.m. a motion was made by Commissioner Sherrer to deny 10-075 applicant is not indigent, unable to determine other resources, lack of cooperation, and may not be an Idaho resident; deny 10-079 as applicant is not indigent, not the last resource, no emergency exists, and failure to provide requirements of Gem County Resolution 98-06. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Sherrer to uphold the previous denial on 10-046. It was seconded by Commissioner Smith and carried unanimously.

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

**Commissioner Pratt returned to the meeting.**

**CONSENT AGENDA:** Items on the consent agenda included A. Independent Contractor Agreement with Badger Medical P.A. for Gem County Jail Medical and Mental Health Services, B. Renewal of Pathology Services Agreement with Ada County, C. Catering Permit for Cherries for October 2, 2010 at the Gem County Fairgrounds for the AAA Junior High Booster Club, D. Southwest Idaho Wireless Integrated Network Participant Agreement with Ada County, E. Emergency Medical Services Surplus Equipment, and F. Acceptance of quote from Audio Electronics , Inc. for repairs to Jail.

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

**CLAIMS:** The claims presented were reviewed. A motion was made by Commissioner Sherrer to approve the claims as initialed on the individual claim forms. It was seconded by Commissioner Pratt and carried unanimously.

**PERSONNEL POLICY WORKSHOP:** The personnel policy was distributed to Elected Officials and Department Heads for review and input.

**JOINT CITY/COUNTY MEETING:** A joint city/county meeting was held. Those in attendance from the county included Commissioners Sherrer and Pratt and Clerk Gannon. Those in attendance from the city included Mayor Butticci, Councilmen Stout, Rogers, and Henderson, and Clerk Alsup. Topics discussed included the Emmett Sign Ribbon Cutting on September 14, 2010, the Farmer's Market Ribbon Cutting on September 18, 2010, the upcoming Harvest Festival, and the Homecoming parade.

**The Board recessed at 5:41 p.m. to 8:00 a.m. on September 14, 2010.**

**September 14, 2010**

**ROAD DEPARTMENT UPDATE:** Road Department Supervisor, Kim Reed, met with the Commissioners. Kim discussed flood damage and repairs for certain areas, he is working with FEMA and the Army Corp of Engineers. Other topics discussed included shoulder work on the Ola Highway, bids for work on the Hilficker wall and the water trough in

Sweet.

Wade Ellis met with the Commissioners to discuss any questions regarding PERSI. Wade stated that PERSI has made everything back they had lost in 2008. He discussed laws requiring recent rate increases and the phasing in of those rates. PERSI is ranked number 3 in the nation as far as stability. Wade discussed the PERSI 401k contribution limits and processes as well as differences between 401k and 457 plans, those differences included rates and withdrawal requirements. Roth IRAs were discussed. Wade explained purchase of service for people who have previously worked for a PERSI employer, left and returned that time away can be purchased.

**DEVELOPMENT SERVICES UPDATE:** Development Services Director, Brad Hawkins-Clark met with the Commissioners to discuss planning and zoning matters.

**PUBLIC WALK-IN:** Larry Goodsell met with the Commissioners to discuss the Confined Animal Feeding Operation (CAFO) Ordinance. He discussed issues he has with Terry Jones' existing CAFO. He feels 1000 foot setback should have been included in the ordinance to protect neighboring properties. Development Services will look into whether or not a new lagoon is being put on or near the property line. Larry stated that due to the smell he is unable to open his windows at night or have BBQs at his house.

**PROSECUTING ATTORNEY:** Deputy Prosecuting Attorney Tim McNeese met with the Commissioners to discuss prosecuting attorney matters.

At 11:18 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)(f) for potential litigation matters with a roll call vote as follows: Commissioner Smith, aye, Commissioner Pratt, aye, and Commissioner Sherrer, aye.

Regular session reconvened at 11:27 a.m.

*A motion was made by Commissioner Sherrer to authorize the chairman to sign the amended complaint in the fair grounds quiet title action. The motion was seconded by Commissioner Pratt and carried unanimously.*

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

**2010 TAX LEVIES:** After reviewing the 2010 levies, a motion was made by Commissioner Sherrer to approve the 2010 tax levies as presented. The motion was seconded by Commissioner Pratt and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on September 7, 2010.**

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

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