



**March 21 & 22, 2011, Emmett, Idaho**

**Pursuant to a recess taken on March 15, 2011, the Board of Commissioners of Gem County, Idaho, met in regular session this 21st day of March, 2011, at 8:00 a.m.**

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

**Whereupon the following proceedings were had, to-wit:**

**March 21, 2011**

**The Pledge of Allegiance was said.**

**GIS FEES PUBLIC HEARING:** While being tape recorded a public hearing was held for the purpose of adopting a new fee schedule for GIS fees. Commissioner Pratt read the public hearing notice into the record.

Assessor Dale Reynolds presented the proposed fee schedule and explained the reason for the increase. He reviewed the current price list and compared it to the existing fees.

Commissioner Sherrer questioned how the prices were generated. Assessor Reynolds stated that these prices were based on a survey that was done with other counties as well as costs to create. He provided a spreadsheet of costs as well as a copy of the survey for the public.

Commissioner Pratt questioned pricing for digital updates. He has proposed \$350 for each update with two updates per year. Assessor Reynolds stated that the current update is \$250 that he believes is set up to be done quarterly.

Assessor Reynolds reviewed the spreadsheet and explained that he has listed out some of the expenses that have been incurred by the County. Some of these fees include two different subscriptions that are required for the maintenance of the mapping. These fees have gone up substantially over the last year. He also stated he has included the Mapper's Salary and creation of the tabulator data is basically a staff member salary of around \$30,000. Two things that are not budgeted for that we have not had

is money for replacement of the plotter and aerial photos. He stated that these things would be used to finish creating the maps. These things are all expenses incurred for creating the mapping.

Commissioner Smith stated that he is struggling to see a link between the service that the vendors are receiving and our direct cost. We need to see that. What are we providing that we don't have. Are we providing service that is needed beyond what we would provide anyway? He does not know what is being used by the vendors. He knows they get the data & would assume they use that data and do their own plots. Are we providing something above & beyond what we would use for our own services?

Marilyn Knighton with Alliance Title and Escrow stated they are not purchasing a service from the county, simply buying public information that has to be produced anyway in the course of assessment and taxation. They are not asking that something be created for them or their industry.

Marilyn also stated that her main concern is that the proper statute was not used to publish the legal notice. She would like legal clarification of opinion if the County can charge for costs and labor. She stated that she does realize that it does cost money and it needs to be offset. She also stated that there are currently 14 counties that provide access for free. There is a big difference in who pays and how much as well as how well the county is mapped.

Commissioner Pratt stated that the Commissioners will need to look at the legal publication and check the statute. She also questioned why the Mapper's full salary is included. She stated that he is not employed solely to provide information for these agencies and if the County was able to include labor, she doesn't feel the full salary should be included. The Commissioners will need to address that with legal counsel.

Commissioner Smith stated there needs to be a direct link to the fee and how it's applied to each vendor that uses it. He is confident that we can show that with the individual maps, but for the other fees he doesn't feel that these costs can be passed onto the users.

Commissioner Sherrer stated that she thinks there seems to be a step missing and those things need to be tied together. Her preference would be to table this to allow the Assessor to confer with legal on the statute and allow him an opportunity to tie things better.

Commissioner Pratt questioned what the current contracts with title companies are for. Marilyn Knighton

explained these contracts are to simply access the GRM which allows them to look at the tax and assessment data. Many counties have now put that on their website which allows free access.

Brooke Brennan with Pioneer Title stated that they work with Single Point Solutions and asked Tim Williams to explain their relationship with title companies.

Tim Williams with Single Point Solutions explained that they work with title companies across the State. They provide the track for title companies to use the County data. He stated that the title companies could not use the raw data that the Assessor's office provides. They provide the application and programming to convert the data into a system the title companies can use. Tim stated that the quality and amount of data they receive takes so long to manipulate data so that it is clean and consistent. He also stated that any increase will put them out of the market. He thinks they should pay for the amount of time it takes to send the data and that the fees are too high.

Commissioner Smith said if the County is going to charge the vendors for data we need to provide a service of improved data so that they have a clean product that will be useful.

Assessor Reynolds clarified that the data the County receives is from the State Tax Commission in their format and Gem County does not reformat the reports.

Commissioner Smith stated that County can not charge fees that are not direct costs.

Paula Garringer with Stewart Title stated that they receive a CD from the Assessor's office quarterly and they also use Sentry Dynamics for their information. The information that is provided to the realtors they are not allowed to charge fees for. They are used for a customer service tool.

Commissioner Smith made a motion to adopt the fees for the custom individual map creation listed out separately and table the remaining fees for further clarification. It was seconded by Commissioner Sherrer with discussion. Commissioner Pratt stated that for discussion purposes we need a direct correlation between our costs and the fees being proposed and we need to clarify whether it was published using the right Idaho Code and this code 63-1311(a) would cover the individual maps. Motion carried unanimously.

The Commissioners stated that the current fees will still be in effect until new fees are adopted.

**LONG DISTANCE TELEPHONE SERVICE DISCUSSION:** The Commissioners discussed the existing phone contract and reviewed the proposal from National Comtel.

Commissioner Sherrer made a motion to approve the proposal from National Comtel in the amount of \$1106 continuing the local service with Qwest until such time they are able to provide local service at which time the services will be reevaluated. It was seconded by Commissioner Smith and carried unanimously.

Commissioner Smith made a motion to amend the motion to add that the contract is for 3 years. It was seconded by Commissioner Sherrer and carried unanimously.

**INDIGENT HEARING 11-016:** At 10:06 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, Commissioner Sherrer, aye, and Commissioner Pratt, aye.

Neither the applicant nor representatives from the hospital were in attendance. Deputy Clerk Diane Wright was sworn in. The case file was entered into the record as Exhibit A. The hospital has requested a continuance.

Regular session reconvened at 10:12 a.m.

A motion was made by Commissioner Sherrer to continue the hearing at the request of the hospital to May 2, 2011 at 2:00 p.m. It was seconded by Commissioner Smith and carried unanimously.

*At 11:28 a.m. a motion was made by Commissioner Smith, seconded by Commissioner Sherrer and carried unanimously to go into executive session under Idaho Code 67-2345(1)(f) for potential litigation with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.*

*Regular session reconvened at 11:40*

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

**CONSENT AGENDA:** Items on the consent agenda included A. Appointment of John Buck to the Fair Board, B. Juvenile Detention Housing Agreement, and C. Certificate of Residency for Emily Jayo.

A motion was made by Commissioner Sherrer to approve

items A. through C. It was seconded by Commissioner Smith and carried unanimously.

**MINUTES:** The minutes of March 7 & 8, 2011 were reviewed. A motion was made by Commissioner Smith to approve the minutes of March 7 & 8, 2011 as amended. It was seconded by Commissioner Sherrer and carried unanimously.

**GRAVEL EXTRACTION SPECIAL USE PERMIT MORATORIUM DISCUSSION:**

The Commissioners discussed implementing a moratorium on all gravel extraction special use permits.

Commissioner Sherrer questioned whether restricting the moratorium to specific zones or implementing it county wide would be appropriate. Commissioner Smith stated that it has become clear that gravel extraction is different from any other Special Use Permit that is done. It has a long lasting effect and he feels that the Ordinance does not adequately address a good meaningful policy in regards to gravel extraction. He feels the Commissioners need to take some time and decide what needs to be done with gravel extraction.

Commissioner Pratt stated that she had questions on the draft, in that it specifically addressed one zone. She does not feel that it can be restricted to just A2 because gravel extraction can be just about anywhere. She feels they need to look at the whole county & how are we going to deal with special use permits regarding gravel extraction. Commissioner Smith stated that he is not opposed to that.

Commissioner Smith made a motion to make the declaration of temporary moratorium on the issuance of special use permits for gravel extractions and operations in Gem County so that we can go through our comprehensive plan and ordinances and define a clearer policy for Gem County. It was seconded by Commissioner Sherrer with discussion. Commissioner Pratt read the declaration and corrected some grammatical issues. Motion carried unanimously.

**PERSONNEL POLICY:** The Commissioners reviewed the proposed Personnel Policy and addressed areas of questions and concerns from Elected Officials and employees.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on March 22, 2011.**

**March 22, 2011**

**Commissioner Smith was absent due to attendance at a Southwest District Health District meeting.**

**ROAD DEPARTMENT UPDATE:** Kim Reed, Road Department Supervisor, met with the Commissioners to discuss department issues.

**DEVELOPMENT SERVICES UPDATE:** Brad Clark, Development Services Director, met with the Commissioners to discuss department issues.

**PUBLIC WALK-IN:** Martin Fry met with the Commissioners to discuss gas drilling. He would like to see oversight of operations at the new gas drilling site in New Plymouth. The Commissioners provided information about a public hearing being held in Nampa next month regarding the request for new wells. Martin suggested the city and the county get together to know what is happening on this. Commissioner Sherrer said she is working with the city public works administrator on it.

Dale Worthington lives on Little Rock Road. He has a neighbor whose cattle have caused damage to his property. He has been unsuccessful in handling the issue in court. When called, the Sheriff's department comes out and honks the horn to run the cows back in but they have no authority to do anything about the cows or the fences that are down. He doesn't see why people whose cattle continue to get out can't be cited, he would like something changed to give the Sheriff authority to do something about this problem. The Commissioners asked if his property was in a herd district. He said the cattle were starving at one point. The Commissioners will talk with the Sheriff about the calls he has received about this to see if there is anything that can be done. He will talk to the Sheriff while he is here also.

Meg Davis talked with the Commissioners about moving the Martin House and making it part of a scenic byway project. She wondered if land could be deeded to the city in order for grants to be obtained. ITD restrictions will be looked at and the Commissioners will discuss it further.

Gene Nogosek met with the Commissioners to talk about the gravel pit public hearing last night. The Commissioners stated they are unable to discuss the current application. He discussed his investment in his property on South Slope Road. He has a great view with a peaceful

setting and wouldn't want to look at a gravel pit; the ones that are there now don't have a great visual impact. He also discussed the noise. The Commissioners explained their quasi-judicial responsibilities and stated they are unable to have a conversation about anything regarding the current application. The county wide moratorium was discussed. The Commissioners stated they have learned a lot about the county wide land use map and comprehensive plan.

**PROSECUTING ATTORNEY:** Deputy Prosecutor, Tim McNeese, met with the Commissioners to discuss legal matters.

At 11:45 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)(b) for personnel matters with a roll call vote as follows: Commissioner Pratt, aye and Commissioner Sherrer, aye.

Regular session reconvened at 11:56 a.m.

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

**MCKINSTRY - DREW SHUFELT:** This discussion was not held.

**Commissioner Smith joined the meeting.**

At 1:18 p.m. a motion was made by Commissioner Pratt, seconded by Commissioner Sherrer and carried unanimously to go into executive session under Idaho Code 67-2345(1)(b) for personnel with a roll call vote as follows: Commissioner Pratt, aye, Commissioner Sherrer, aye, and Commissioner Smith, aye.

Regular session reconvened at 1:39 p.m.

**INDIGENT APPLICATIONS:** At 1:50 p.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 Pratt, aye, Commissioner Sherrer, aye, and Commissioner Smith, aye.

Regular session reconvened at 2:03 p.m.

At 2:21 p.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 Pratt, aye, Commissioner Sherrer, aye, and  
Commissioner Smith, aye.

11-037	Medical Application
11-039	Medical Application
11-040	Medical Application
11-041	Medical Application
11-059	Non-Medical Application
11-060	Medical Application
11-061	Medical Application
11-062	Medical Application

After reconvening in regular session at 2:38 p.m. a motion was made by Commissioner Sherrer to deny 11-037 because of lack of cooperation; deny 11-039 because the applicant is not medically indigent, the county is not the last resource, incomplete application, failure to interview and failure to cooperate; deny 11-040 due to inability to determine indigency, applicant has other resources, unable to determine residency, Gem is not the obligated county, incomplete application, failure to interview and failure to cooperate; deny 11-041 due to inability to determine medical indigency, the applicant has other resources, incomplete application, failure to interview and failure to cooperate; approve 11-059; and sign statutory and N1 liens as applicable on 11-060, 11-061 and 11-062. It was seconded by Commissioner Pratt and carried unanimously.

At 2:03 p.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 with a roll call vote as follows: Commissioner Pratt, aye, Commissioner Sherrer, aye, and Commissioner Smith, aye.

Regular session reconvened at 2:20 p.m.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on March 28, 2011.**

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

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

