

REGULAR SESSION, MAY 13, 2019

Commissioner Bolduc opened the meeting at 10:00. Commissioner Bolton, Commissioner Buhler, and the Clerk, Denise Gill were present.

INDIGENT

Commissioner Bolton moved to go into an executive session pursuant to IC§31-874 to consider indigent matters. Commissioner Buhler seconded the motion. Roll call vote: Bolton-Yes, Buhler- Yes, Bolduc-Yes. Director, Linda Leguineche and Assistant Director, Kathy Ball joined the meeting. The board recessed executive session and returned to regular session at 10:24 a.m. Commissioners Bolton and Buhler moved and seconded to deny 4800 and 4798. Motion carried.

CLAIMS

Commissioner Bolton and Buhler moved and seconded to approve the April 2019 Claims. Motion carried.

General \$183,896.79	Road and Bridge \$54.77	Consolidated Elections \$2,557.26
District Court \$1,882.67	Fair \$47,012.58	Public Health \$6,810.01
Hagerman Police \$2,719.32	Wendell Police \$7,065.84	Public Defense \$9,975.69
Indigent \$63,674.50	Jr. College \$4,550.00	Landfill \$20,000.00
Revaluation \$439.44	Veterans Memorial \$2,625.00	Weeds \$4,430.82
Waterways \$157.76	Public Defense Grant \$10,395.52	
TOTAL \$343,697.97		

Ambulance \$38,433.44

JAIL STUDY

Sheriff Gough, Helen Edwards, Walter Nelson, Tina Bolduc and John Elliot joined the meeting. Sheriff Gough has informed this committee that Gooding County is need of a new jail. He is interested in building at the location of the Annex. The current jail is a poor design and dangerous for inmates and staff. The occupancy is always high and there are not enough beds. He would like to have the architects come in a do a footprint of the site. They will need to run a bond to fund the project. They will ask LCA to design the facility to get started on the needs. Commissioner Bolton moved to enter into a contract with LCA for a jail proposal not to exceed \$25,000.00. Commissioner Buhler seconded the motion. Motion carried.

**DISTRICT COURT
BUDGET REQUEST**

Judge Wildman and Trial Court Administrator, Shelly Tubbs presented their request for the FY2020 District Court Budget. The County will start seeing increase for Magistrate Court Fees with changes in the Liquor Fees and an increase in other Court fees.

Clerk, Denise Gill, asked them to express their thoughts as to what the Gooding County Courthouse needs now and in the near future. Judge Wildman explained that they almost always need to have two courtrooms that can accommodate District Court trials. Additional secure chamber for the judges is another priority need.

Chairman Bolduc recessed the meeting at 12:30 pm and reconvened at 12:58 pm.

SOUTH CENTRAL PUBLIC HEALTH DISTRICT

The Board did not come up with any persons interested in serving on the South Central Public Health District Board at this time.

RESOLUTION 2019-05-13

Commissioner Bolton moved to approve the Resolution 2019-05-13 Municipal Opioid Cost Recovery and Public Nuisance. Commissioner Buhler seconded the motion. Roll call vote: Bolton-Yes, Buhler- Yes, Bolduc-Yes.

**RESOLUTION 2019-05-13
MUNICIPAL OPIOID COST RECOVERY AND
PUBLIC NUISANCE RESOLUTION**

I. Purpose and intent.

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Gooding County (the “County”). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, Costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these Costs are paid by the County.

The purpose and intent of this resolution is to allow the County to recover these Costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This resolution clarifies that reimbursement may be sought for the Costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

II. Definitions.

“Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the County’s response to a responsible party’s action or inaction.

“Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring Costs or who is found liable or made responsible by a court for the Costs incurred by the in the form of damages, regardless of the cause of action.

III. Governmental function cost recovery.

The County may recover the Costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the Costs demanded, the County may initiate and recover Costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

IV. Effect of criminal or civil proceedings on governmental function cost recovery.

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of Costs for the violation giving rise to the criminal prosecution.

V. Public nuisance.

The County hereby finds and declares the following:

- 1) That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- 2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues today;
- 3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- 4) The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to families in the County, a negative effect on the County’s economy, wasted public resources, and a generation of narcotic dependence;
- 5) That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- 6) That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;
- 7) That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- 8) That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

VI. Retroactive application.

This resolution applies retroactively.

/s/Mark Bolduc
Mark Bolduc, Commissioner
/s/Ron Buhler
Ron Buhler, Commissioner
/s/Susan Bolton
Susan Bolton, Commissioner
Attest: /s/Denise M. Gill
Denise M. Gill, Clerk

PLANNING AND ZONING

Cathy Harris, Planning and Zoning Administrator, requested to know how many hours the Building Inspector is to work. He needs to work about four hours on Fridays. The Commissioners agreed to allow the Building Inspector the additional four hours per week as needed. Cathy Harris is concerned with not enough staff to cover the office when all staff has commitments outside the office. The Commissioners asked her to work with the others to schedule their time out of the office.

FINANCIAL STATEMENT

Commissioner Buhler moved to accept the Financial Statement for April 30, 2019. Commissioner Bolton seconded the motion. Motion carried.

SOUTH CENTRAL PUBLIC HEALTH DISTRICT

Ken Robinette, South Central Community Action Partnership, joined the meeting. Mr. Robinette explained that they receive 98% Federal Funding assist to provide program services to the low income families and individuals. The services provided are key needs in the communities. The Heat and Conservations Program has seen a reduction. They are investigating why this has

occurred. In Gooding County, they have helped 333 Families and 710 Individuals. These people must be qualified to receive services. The services provided in Gooding County totaling \$226,572.41. Mr. Robinette appreciated the assistance from Gooding County and hopes that it will continue.

INDUSTRIAL LITIGATION FUND

Commissioner Buhler moved to join the IAC Industrial Litigation Fund. Commissioner Bolton seconded the motion. Motion carried.

**SOUTHERN IDAHO ECONOMIC DEVELOPMENT
RURAL ECONOMIC DEVELOPMENT SERVICES**

Commissioner Bolton moved to send a letter of support for the RED's program. Commissioner Buhler seconded the motion. Motion carried,

**MIDDLE SNAKE REGIONAL WATER RESOURCE COMMISSION
FY2020 BUDGET REQUEST**

The Board received a letter from Bob Muffley with the Middle Snake Regional Water Resource Commission requesting support in the FY2020. Commissioner Bolton moved to accept the budget request for FY2019/20. Commissioner Buhler seconded the motion. Motion carried.

**FAIR
IDAHO COORS**

Fair and Rodeo Manger, Don Gill, presented a new agreement for a current sponsor. Commissioner Buhler moved to accept the offer from Idaho Coors for exclusive advertising sponsorship. Commissioner Bolton seconded the motion. Motion carried.

**COMMUNITCATIONS
FACEBOOK**

The Board asked to have the agenda's posted on the Facebook page with a link to the minutes.

EXECUTIVE SESSION

Commissioner Buhler moved to go into executive session pursuant to IC74-206(c) Inquire into Real Property. Commissioner Bolton seconded the motion. Motion carried.

MINUTES

Commissioner Bolton moved to approve the minutes from May 6, 2019. Commissioner Buhler seconded the motion. Motion carried.

CORRESPONDENCE

No correspondence.

JUVENILE PROBATION

Carol Johnson, Chief Juvenile Probation, reported on her conference that she and Jamie Price attended in Florida. She presented to the board the ACE Adverse Childhood Experience, questionnaire. They teach teens and their parents on Cyber Safety, bullying, social media, sexual crimes, strategies to cope with stressors, identify healthy relationships and developing empathy. There were many more skills shared at this conference.

Commissioner Bolduc adjourned the meeting at 4:10 p.m.

/s/Mark Bolduc
Mark Bolduc, Chairman

/s/Susan Bolton
Susan Bolton, Commissioner

/s/Ron Buhler
Ron Buhler, Commissioner

Attest:/s/Denise M. Gill
Denise M. Gill, Clerk