

REGULAR SESSION, JULY 7, 2008

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and the Clerk, Denise Gill present.

JUVENILE PROBATION

Judge Ingram reviewed his approach to minimize recidivism of juveniles in the court system. They are currently using a risk assessment tool to evaluate the children that enter the juvenile system. The Gooding County probation officers have been trained to do the assessment and develop a plan for individual cases. The method used is to look at the offender not the offense. He commended the work of the probation department in Gooding County.

PLANNING AND ZONING

Judy Davis, P&Z Administrator, joined the meeting. Judy presented the Idaho State Department of Agriculture's proposed CAFO Site Advisory Team rules. The P&Z Commission is planning a summer party on July 16 at the Side Street Café.

WEEDS

Commissioner Edwards and Commissioner Williams moved and seconded to appoint Rich Curtis to the Tri-County Weed Board. Motion carried.

SOLID WASTE ORDINANCE

The Board reviewed the proposed solid waste ordinance with Deputy Prosecutor John Horgan. The Board did not request any changes to the draft. Mr. Horgan will present it to the Assessor, Treasurer and Clerk for addition review and comment.

BUILDING AND GROUNDS

The Board is waiting on additional bids for a courthouse sprinkler system. Matter to be discussed at the next meeting.

BOARD OF GUARDIANS

Deputy Prosecutor, John Horgan, has not had an opportunity to discuss the matter of a Board of Guardians with Prosecutor Campbell, whereas, these matters do require support from the Prosecuting Attorney's office. He will present additional information a later date.

CREDIT BUREAU – DEBT COLLECTIONS

The Board discussed the use of a collection agency an effort to collect fines, fees and other debts owned to Gooding County. No decision was made at this time.

EXECUTIVE SESSION

Commissioner Edwards moved to go into executive session pursuant to IC§67-2345(b). Commissioner Williams seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye.

INDIGENT

Commissioner Williams moved to go into an executive session pursuant to IC§31-874 to consider indigent matters. Commissioner Edwards seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye. Beverly Johannsen, County Services Director, Linda Leguineche Assistant Director and John Horgan, Deputy Prosecuting Attorney joined the meeting to review indigent cases and claims. The board vacated executive session and returned to regular session. Commissioner Williams moved to deny 08-1-3263, 08-5-3315, and 08-5-3313. Commissioner Edwards seconded motion. Motion carried.

Commissioner Williams moved to recess regular session. Commissioner Edwards seconded motion. Motion carried.

BOARD OF EQUALIZATION

Commissioner Williams and Edwards moved and seconded to reconvene the Board of Equalization. Motion carried. The Board held hearings and reviewed appeals. Commissioner Williams and Edwards moved and seconded to close the Board of Equalization.

EMS

The Board reviewed a request for a reduction on EMS account 12170 for the matters of hardship. Commissioner Edwards moved to reduce the account to \$555.00 if paid in full in 30 days. Commissioner Williams seconded the motion. Motion carried.

Commissioner Edwards moved to adjourn meeting. Commissioner Williams seconded motion. Motion carried.

/s/Helen P. Edwards, Commissioner

/s/Terrell Williams, Commissioner

/s/Tom Faulkner, Chairman

Attest:/s/Denise M. Gill, Clerk

REGULAR SESSION, JULY 14, 2008

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and the Clerk, Denise Gill present.

CLAIMS

Commissioner Williams moved to approve the claims. Commissioner Edwards seconded the motion. Motion carried.

General	30,621.12	Fair	5,242.02	Revaluation	1,087.59	Road & Br.	102.53
Amb Dist	35,171.61	Public Health	5,646.17	Jr. College	500.00	Veterans	2,250.00
Dist.Court	7,446.65	Indigent	27,004.95	Weeds	2405.94	Waterways	16.48
						Total	216,995.08

PROTECTIVE HOLDS

John Horgan, Deputy Prosecuting Attorney, presented a draft of an Affidavit of Grave Disability or Imminent Danger to the Board. Law enforcement and physicians when placing an individual in protective custody will use this form. Mr. Horgan will present the document to Judge Robinson and Judge Wood for their approval.

PLANNING AND ZONING

John Horgan, Deputy Prosecuting Attorney, discussed a letter received from Mr. Lothspeich regarding Dick Waite’s building permit issue. Mr. Horgan will contact Mr. Lothspeich for potential solution to problem. The Board discussed the problem with the Wood River Narrows subdivision. The Board would like to discuss the matter with Rick Bauman, David Sliman and the Gooding Highway District. Judy Davis, P&Z Administrator, and Jim Brockman, P&Z Commission Chair, joined the meeting. Mr. Brockman requested that the County provided a compliance officer for enforcement of ordinances. He feels the county needs to toughen the zoning ordinances and then enforce them. Mr. Brockman has asked Mr. Horgan to define “Grandfather” whereas it has become a problem. Mr. Horgan suggested that Gooding County together with other surrounding counties hire a compliance officer. Chairman Faulkner expressed concerned that there maybe confusion with the different ordinances from county to county. Commissioner Williams asked if the inspections had to be complia nt driven. The group decided inspections could be performed randomly as well as complaint driven.

INDIGENT

Commissioner Williams moved to go into an executive session pursuant to IC§31-874 to consider indigent matters. Commissioner Edwards seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye. Beverly Johannsen, County Services Director, Linda Leguineche Assistant Director and John Horgan, Deputy Prosecuting Attorney joined the meeting to review indigent cases and claims. The board vacated executive session and returned to regular session at 4:00 p.m. Commissioner Williams moved to deny 07-2-3126 and 07-1-3118. Commissioner Edwards seconded motion. Motion carried.

DISTRICT COURT

Commissioner Edwards moved to sign the MOU with the Fifth Judicial District to seek a grant for video hearings. Commissioner Faulkner seconded motion. Motion carried.

MINUTES

Commissioner Williams moved to approve the minutes from June 9, June 23 and July 7, 2008. Commissioner Faulkner seconded motion. Motion carried.

Commissioner Edwards moved to adjourn meeting. Commissioner Faulkner seconded motion. Motion carried.

/s/Helen P. Edwards, Commissioner /s/Terrell Williams, Commissioner /s/Tom Faulkner, Chairman

Attest:/s/Denise M. Gill, Clerk

REGULAR SESSION, JULY 18, 2008

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and Deputy Clerk, Linda Leguineche present.

INDIGENT

Commissioner Edwards moved to go into an executive session pursuant to IC§31-874 for indigent appeal hearings and review indigent cases and claims. Commissioner Williams seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye. Beverly Johannsen, County Services Director and John Horgan, Deputy Prosecuting Attorney joined the meeting.

Commissioner Edwards moved to adjourn meeting. Commissioner Williams seconded motion. Motion carried.

/s/Helen P. Edwards, Commissioner /s/Terrell Williams, Commissioner /s/Tom Faulkner, Chairman

Attest:/s/Denise M. Gill, Clerk

REGULAR SESSION, JULY 28, 2008

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and the Clerk, Denise Gill present.

EXECUTIVE SESSION

Commissioner Edwards moved to go into executive session pending legal matters pursuant to IC67-2345(f). Commissioner Williams seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye

PLANNING AND ZONING

Steve Thompson joined the meeting at the Board's request to review the proposed changes to CAFO siting team criteria. The changes would make it more difficult for the applicant to mitigate on a high rating. Chairman Faulkner feels that the applicant should mitigate the site prior to the team arriving. Mr. Thompson pointed out the most of the proposed criteria is physical features and cannot be mitigated. He further pointed out that the criteria needs to meet local regulations and that they are merely recommendations. The group will prepare recommendations. Commissioner Edwards and Williams moved and seconded to allow the one of the Board members to sign a letter of recommendation. Motion carried. Judy Davis, P&Z administrator, reported on a shop that has been changed to a residence on a property prior to the Ordinance 78, adopt 7-8-2003 change without a building permit. She has discussed the issue with the owners to resolve the problem.

PUBLIC DEFENDER CONTRACT

Joe James joined the meeting to discuss the FY09 Public Defender contract. The group decided that for FY09 contracted amount will be \$175,000.00 with the option of \$185,000.00 for FY10. The board would like to look into hiring and maintaining a public defender's office in the courthouse for FY10.

WOOD RIVER NARROWS SUBDIVISION

John Horgan, Deputy Prosecutor, Richard Bigelow, Building Inspector, Dean Sabala, Gooding Highway District Foreman, Rick Bauman, contractor, David Sliman, property owner and his attorney Joe James joined the meeting to discuss the Wood River Narrows Subdivision. In 1980 the Gooding County Board of Commissioners entered into an agreement with the developer Mr. Spagnolette that roads would be developed prior to issue building permits. The agreement is recorded in County Clerks office, instrument number. The document is on record without the exhibit: the letter from the Gooding Highway District. The County has been issuing building permits. Rick Bauman does have plans to continue to develop this area. His plans are to develop the road as he builds. Chairman Faulkner did not see a problem in continuing issue permits as long as the roads are developed as they go and meet the safety vehicle requirements. Mr. Sabala said that the road would have to be put in at current specifications in order for the Gooding Highway District to maintain the roads in the future. Mr. James stated that the road specifications required for a building permit and specifications of the Highway District are very different. The roads are not private roads, according to John Horgan. Mr. Horgan encouraged Mr. Bauman and Mr. Sabala to discuss the issue with Gooding Highway District Board. Chairman Faulkner expressed that property owners need to be made aware of the conditions and requirements in this subdivision.

EXECUTIVE SESSION

Commissioner Faulkner moved to go into executive session pending legal matters pursuant to IC67-2345(f). Commissioner Edwards seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye.

INDIGENT

Commissioner Williams moved to go into an executive session pursuant to IC§31-874 to consider indigent matters. Commissioner Edwards seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye. Beverly Johannsen, County Services Director, Linda Leguineche Assistant Director and John Horgan, Deputy Prosecuting Attorney joined the meeting to review indigent cases and claims. The board vacated executive session and returned to regular session at 11:40 a.m. Commissioner Williams moved to deny 08-7-3337, 08-2-3272, 08-6-3323, 08-6-3322, 08-6-3324 and 07-1-3118. Commissioner Edwards seconded motion. Motion carried. Commissioner Edwards moved to write-off the balance of 07-11-3236 and 07-7-3189 whereas the individuals are deceased and have no assets. Commissioner Faulkner seconded the motion. Motion carried.

DISTRICT COURT

Judge Wood, Judge Robinson and Linda Wright, Trial Court Administrator joined the meeting to discuss the FY09 budget request for District Court. The group reviewed the proposed FY09 District Court budget request. The Board requested the court to consider ordering reimbursement for public defender services. The group also discussed courtroom plans at the proposed regional jail. Judge Wood suggested the Board consider using a collection agency on delinquent fines, fees and restitution. Twin Falls County has success with collection agency they have been using.

Commissioner Williams and Commissioner Edwards moved and seconded to allow the chair to sign the 2007 JABG Application. Motion carried.

RESOLUTION 08-07-28

Commissioner Faulkner moved to adopt resolution 08-07-28. Commissioner Edwards seconded motion. Motion carried.

RESOLUTION TO ENACT THE IDAHO ENHANCED EMERGENCY COMMUNICATIONS GRANT FEE

At a meeting of the Board of Gooding County Commissioners, State of Idaho, on the 28th day of July 2008, the following Resolution was adopted, to-wit:

WHEREAS, the Legislature in 1988 enacted the Emergency Communications Act ("Act") as Title 31, Chapter 48 of the Idaho Code; and

WHEREAS, the Act establishes a method for financing the initiation, maintenance, and enhancement of consolidated emergency communications systems which allows for 9-1-1 service within the several counties; and

WHEREAS, on November 6, 1990, at a general election the voters of Gooding County approved a telephone line user fee, also known as an emergency communications or 9-1-1 fee, of up to one dollar (\$1.00) per line per month to fund and finance the maintenance and operation of a 9-1-1 emergency communications system as provided in the Act; and

WHEREAS, on September 28, 1990 the Board of Gooding County Commissioners (“Board”) in Ordinance No. 45 set the emergency communications fee to be assessed in Gooding County at one dollar (\$1.00) per line per month; and

WHEREAS, the current emergency communications fee collected by Idaho counties and 9-1-1 service areas for use in 9-1-1 centers do not adequately fund the needed improvements in the centers and many centers in rural Idaho do not have Enhanced 9-1-1 service where the dispatchers can tell the number a caller is calling from and the location of the caller; and

WHEREAS, Idaho counties recognize the importance of providing seamless Enhanced 9-1-1 service across Idaho and has determined a need to establish a statewide fund to assist consolidated emergency communications centers make the necessary upgrades to protect all citizens and visitors to Idaho; and

WHEREAS, the Office of Performance Evaluations recommended increased funding for Enhanced 9-1-1 service by the Idaho Legislature in its report to Joint Legislative Oversight Committee on March 20, 2008; and

WHEREAS, the Legislature in 2008 enacted amendments to the Emergency Communications Act and adopted Idaho Code section 31-4819 that creates the Enhanced Emergency Communications Grant Fee in an effort to fund the increasing costs of technology needed for the operation of a 9-1-1 system and to enhance public safety throughout the State of Idaho; and

WHEREAS, the Enhanced Emergency Communications Grant Fee shall be in an amount of twenty-five cents (\$.25) per month per access or interconnected VoIP service line; and

WHEREAS, such fee shall be dedicated for and shall be authorized for disbursement as grants to eligible entities that are operating consolidated emergency communications systems for use to achieve the purposes of Idaho Code section 31-4819; and

WHEREAS, in order to be eligible for an award of moneys under this chapter a county or 911 service area must be the collecting emergency communications fee in accordance with Idaho Code section 31-4804 in the full amount authorized and must also be collecting the enhanced emergency communications grant fee in the full amount authorized; and

THEREFORE BE IT RESOLVED that pursuant to the authority granted to this Board pursuant to Idaho Code section 31-4819, the Board of Gooding County Commissioners hereby enacts the Enhanced Emergency Communications Grant Fee in an amount of twenty-five cents (\$.25) per month per access or interconnected VoIP service line; and

BE IT FURTHER RESOLVED that the emergency communications fee increase is effective as of July 1, 2008 through June 30, 2014, or in the event the Idaho Legislature extends the effectiveness date, until that date without further action by this Board; and

BE IT FURTHER RESOLVED that the Enhanced Emergency Communications Grant Fee shall be collected by all telecommunications providers as provided in and pursuant to Idaho Code section 31-4819; and

BE IT FURTHER RESOLVED that fee shall be remitted to the Idaho emergency communications fund provided in Idaho Code section 31-4819 on a quarterly basis by Gooding County for dedication for disbursement as grants to eligible entities that are operating consolidated emergency communications systems pursuant to Title 31, Chapter 48, Idaho Code.

APPROVED AND ADOPTED this 28th day of July, 2008.

Board of Gooding County Commissioners

By: /s/Tom Faulkner
Tom Faulkner, Chairman

By: /s/Helen P. Edwards
Helen P. Edwards, Commissioner

By: /s/Terrell Williams
Terrell Williams, Commissioner

ATTEST:

/s/Denise Gill
Denise Gill, Gooding County Clerk

MID-SNAKE RIVER

Commissioner Williams and Commissioner Edwards moved to cast an affirmative ballot for the reappointment for all the Board members to Middle Snake River Water Resource Commission, Gale Kleinkopf, Twin Falls, Dan Suhr, Jerome County and Jack Nelsen, Jerome County. Motion carried.

Commissioner Williams moved to adjourn meeting. Commissioner Faulkner seconded motion. Motion carried.

/s/Helen P. Edwards, Commissioner

/s/Terrell Williams, Commissioner

/s/Tom Faulkner, Chairman

Attest:/s/Denise M. Gill, Clerk