

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE JANUARY 2015 SESSION**

Fourth Day

Tuesday, January 20, 2015

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary, Commissioner Lawrence Schoen; County Administrator Derek Voss; County Clerk JoLynn Drage; and Recording Secretary Sunny Grant.

Chairman Greenberg called the meeting to order at 9:02 a.m.

AMEND AGENDA

Schoen moved, seconded by McCleary, to amend today's January 20, 2015 agenda to add a proposal from organizers of the South Valley Groundwater District to waive the bond requirement at 2:00 pm. Motion carried unanimously.

PUBLIC COMMENT - NONE

COUNTY DEPARTMENT REPORTS, Discussion and Consideration

Land Use - Tom Bergin

- **Findings of Fact: D-B Ranch Short Plat Subdivision**

McCleary moved, seconded by Schoen, to amend the agenda to move consideration of Findings of Fact of D-B Ranch Short Plat Subdivision to 3:30 this afternoon. Motion carried unanimously.

- **Land, Water and Wildlife - Molyneux Family Legacy Project**

The Molyneux application continued to this afternoon's agenda is not ready for BCC consideration. Bergin will confirm that with the applicant.

County Administrator - Derek Voss

- Next week's BCC meeting will return to the OCC meeting room.

Blaine County Road and Bridge Levy

Also present: Lamar Waters; Mary Austin Crofts; Kathryn Goldman; Wendy Jaquet; and Bob Crosby.

- Greenberg will notify mayors, council presidents and city administrators that a temporary two-year override Road and Bridge levy is tentatively planned for May. Levy revenue collected within city limits will be shared with the respective cities. Greenberg will include information on the approximate revenue collected and the cost of the levy per \$100,000 real estate value. The County is requesting cities provide a letter of support if they haven't already.
- McCleary met with a group of involved individuals to get their input on the proposed levy. Many of the individuals were present at this meeting and strongly encouraged the County to poll constituents for their opinions on what road and bridge work needs to be done and an acceptable levy amount. Polling will be a good indicator of what is important to the public, i.e., public safety, economic development, etc. The BCC stressed that the poll is to get voters' opinions and not to influence them. Both the cost of polling and the cost of a special election are unbudgeted.
- Kathryn Goldman offered a quote of \$9,800 from a potential polling company that could do a poll the first week in February and have results the end of February.
- Austin-Crofts confirmed that this is a way for the BCC to connect with the opinions of their constituents.
- Jaquet encouraged formation of a citizens committee, which could educate the public, raise private campaign funds and promote the levy. State Statute prohibits the County from trying to influence voters.

CONTRACTS, GRANTS AND AGREEMENTS, Discussion and Consideration

- **Beacon JMS Annual Maintenance Agreement** Record #

This is an ongoing agreement and typical contract for software services.

Schoen moved, seconded by McCleary, to approve Beacon JMS Annual Maintenance Agreement for \$10,205.29 for the balance of the current fiscal year for provision and maintenance of software for jail systems. Motion carried unanimously.

- **Independent Contractor Agreement for Designated Examiner Services** Record #

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves.

Alliance has agreed to all terms in the agreement. Alliance provides the necessary training through the Department of Health and Welfare.

Schoen moved, seconded by McCleary, to approve the Independent Contractor Agreement with Alliance Family Services for FY2015 for designated examiner services, pre-hearing court assessments and court testimony on an on-call basis in amounts for different services as listed in the contract. Motion carried unanimously.

- **Idaho Department of Parks and Recreation Grant Application for East Magic Reservoir Boat Launch Docks** Not recorded

Also present: Blaine County Grant Administrator Michele Johnson; and Blaine County Waterways Coordinator Lamar Waters.

The grant application will be presented to the State Board of Idaho Parks and Recreation. Waterways will provide a grant match of \$5,015 and in-kind contributions. Non-floating docks work much better in windy areas and are more ADA accessible.

Schoen moved, seconded by McCleary, to approve Blaine County Waterways’ grant application to Idaho Department of Parks and Recreation for \$20,060 grant plus a local match of \$7,215 for dock purchase and installation in East Side Magic Reservoir. Motion carried unanimously.

CONSENT CALENDAR

- **Resolution 2015-03 Capital Improvement Budget Adjustment** Record #623990
- **Resolution 2015-04 Destruction of Semi-Permanent Liquor License Applications and Catering Permits January thru December of 2007, 2008 and 2009** Record #623991
- **Resolution 2015-05 Destruction of Recorder Receipts 2009-2012** Record #623992

McCleary moved, seconded by Schoen, to approve the Consent Calendar for January 20, 2015. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS, Discussion and Consideration

Idaho Emergency Communications Commission (IECC) Next Gen E911 Subcommittee – Greenberg

- An engineer diagrammed how “Next Gen” information flows over the Internet from caller to telecom companies to dispatch. Next Gen E-911 will be a statewide “umbrella” allowing inter-communication among districts and regions. Users will connect to centrally-located hardware to save costs, which are estimated at about \$2.3 million per region.
- Dispatchers will have to be trained to deal with varied emergency input via videos, texts, tweets, etc.
- The Committee encouraged Idaho counties, including Ada County, that do not currently collect the 25¢ extra franchise fee to do so in order to fund Next Gen for all Idaho counties.
- The BCC will invite an IECC representative to make a presentation at a BCC meeting when the IECC meets in Blaine County this year.

Idaho Silver Jackets – McCleary

Blaine County worked with Idaho Silver Jackets, a multi state and federal agency group, on post Beaver Creek Fire flood mitigation. McCleary is working with a Silver Jackets committee to create a website and written material as resources for Idaho counties and cities for flood mitigation, particularly after wildfires.

Region V Behavioral Health Community Board – McCleary

Region V Behavioral Health Community Board finalized its mission statement; and is working on gap analysis and resources available throughout the district.

National Association of Counties (NACo) - Environment, Energy & Land Use Steering Committee (EELU) Conference Call – Schoen

The Steering Committee discussed a recent proposal to reduce ozone compliant standards. This is primarily a problem for urban communities and areas adjacent to industrial zones and shouldn’t affect Blaine County.

Boulder-White Cloud Wilderness Update – Schoen

Schoen recently met with Idaho Representative Mike Simpson, Ketchum’s Mayor, the Stanley City Council President, and others to discuss Simpson’s proposal for a bill called SNRA+ that would provide protection for 296,000 acres in the Boulder-White Cloud (B-WC) Mountains. Conservation organizations in Idaho continue to push for National Monument designation for 600,000 acres in the B-WC which would allow multiple uses in certain areas of the B-WC. CIEDRA will not be reintroduced. Simpson would like to have feedback from Commissioners.

Correspondence

The Idaho Joint Finance-Appropriations Committee (JFAC) is reviewing the proposal to fund Fish and Game’s purchase of Rock Creek Ranch. State Representative Steve Miller asked BCC to express support for the purchase to the House Resources and Conservation Committee (HRCC) so he can advocate for the funding. The BCC supported the purchase as a good opportunity for environmental protection and recreational use. Schoen will draft a letter to HRCC.

Approval of BOARD of COUNTY COMMISSIONERS MEETING MINUTES

- **January 12, 2015 Special Meeting**

McCleary moved, seconded by Schoen, to approve minutes of the January 12, 2015 Board of County Commissioners meeting, as amended. Motion carried unanimously.

LAND USE: MOLYNEUX FAMILY LEGACY PROJECT – Final Review and Funding Decision for four perpetual Conservation Easements – with partners, The Nature Conservancy (TNC) and Wood River Land Trust (WRLT).

Also present: Blaine County Land Use Administrator Tom Bergin; and Blaine County Land, Water and Wildlife Levy Advisory Board Coordinator Clare Swanger.

Attorneys for the Wood River Land Trust and The Nature Conservancy still have concerns about terms in the Grant Agreement. The BCC postponed further discussion until the BCC meeting on February 17, 2015. Schoen will notify the Molyneux family of the delay.

COUNTY-OWNED FORMER BLAINE MANOR PROPERTY APPRAISAL REQUEST FOR PROPOSAL (RFP), Discussion and Consideration

The Commissioners discussed the RFP:

- Familiar vs. accurate name for the County-owned property. The BCC decided to use “County-Owned former Blaine Manor Property” in the title of the RFP.
- Weight of evaluation criteria. The first three of five criteria refer to the firm’s experience, so the firm’s qualifications will get more weight than its location if all five criteria are equally weighted. The BCC agreed with equal weight.
- The RFP site visit will be scheduled as soon as possible once Safe Haven is out of the building.

OLD COUNTY COURTHOUSE CONSTRUCTION UPDATE, Discussion and Consideration

- **Blaine County Historic Courthouse Roof Renovation - Wright Bros Third Floor and Attic Substantial Completion Form**

Voss presented AIA G-704 Substantial Completion Form, which is an amendment to the Construction Manager relationship. The substantial completion contract is for the third floor and attic and is signed by Kreizenbeck Constructors, the architect Steve Trout and contractor Wright Brothers. Punch list outstanding items are mostly corrected.

Schoen moved, seconded by McCleary, to approve AIA G-704/CMA Certificate of Substantial Completion, relating to the Old County Courthouse construction project attic and third floor interior portions only, and authorize chairman to sign. Motion carried unanimously.

EXECUTIVE SESSION – §67-2345 1(d) INDIGENT - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code.

Present were: Blaine County Indigent Services Director Brooke Baird and Assistant Amy Rivkin.

Schoen moved, seconded by McCleary, to convene in Executive Session pursuant to Idaho Code 67-2345 1(d) to consider indigent medical applications. Schoen (aye); McCleary (aye); and Greenberg (aye). Motion carried unanimously.

OPEN SESSION RESUMED

McCleary moved, seconded by Schoen, to accept final determination and settlement payment of \$1,000 in Application for Assistance #0401018, subject to approval by the CAT Board. Motion carried unanimously.

McCleary moved, seconded by Schoen, to approve Notice of Cancellation of Hearing and Final Determination of Denial in Application for Assistance Case #2014-38. Motion carried unanimously.

McCleary moved, seconded by Schoen, to approve Notice of Cancellation of Hearing and Final Determination of Denial in Application for Assistance Case #2014-49. Motion carried unanimously.

PETITION FOR FORMATION OF GROUNDWATER WATER DISTRICT I.C. 42-52, 42-5303 1(i)

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; County Clerk JoLynn Drage; John F. Stevenson, representing the petitioners; District 37 Watermaster Kevin Lakey; Pete Van Der Meulen; Mike Harris; Pepin Corso-Harris; Elizabeth Stevenson; Brett Stevenson; Kristy Molyneux; and *Idaho Mountain Express* reporter Greg Moore.

A group of water users are petitioning to form a groundwater district under Idaho Code Title 42. The first step in such formation is to present a petition to the Board of County Commissioners in which the greatest proportion of cubic feet per second of groundwater rights of the proposed district is situated. The petition is to be accompanied by bond to be approved by the Board of County Commissioners in double the amount of the probable cost to the County and Department of organizing such district, conditioned that the bondsman will pay all said costs in case organization of the district is unsuccessful.

Schoen recused himself from this discussion. He is a petition signer, but if the new groundwater district is formed, he will petition to remove himself from the district since he would derive no benefit from being in the district.

The petition at this time has 69 signatures, which represents 343 cfs, or 67% of the groundwater in the proposed district. This represents more than the 66% super majority needed to pass. The District formation ballot would be on Blaine County's May special election. The petitioners feel the new groundwater district is warranted to develop a recharge program to address the likelihood of calls and avoid excess litigation.

Pepin Corso-Harris and Kristy Molyneux were unable to find a bond broker to meet the bond requirement. They asked the County to waive the bond requirement. Idaho Department of Water Resources (IDWR) has waived their bond requirement.

Blaine County Clerk JoLynn Drage said the bond amount is totally subjective, but estimated the minimal cost of a special election at \$10,000.

Blaine County Chief Deputy Prosecuting Attorney Tim Graves said Idaho Statute states the petition must be accompanied by certain things, including a bond in an amount approved by the County Commissioners that is double the amount of probable costs to the County and department to organize the District. Graves didn't think a full waiver of the bond was possible.

McCleary said there will be costs of creating the new district on the May ballot, but most of these costs would be incurred whether or not the groundwater district is on the May ballot. Therefore, she thought a \$10,000 bond was too onerous. The BCC was willing to accept a token amount.

McCleary moved, seconded by Greenberg, to set a bond amount of \$250 for petitioners of a groundwater district under Idaho Code 42-5203, contingent upon that petition being filed. Schoen was recused for this discussion. Motion passed 2/0.

BLAINE COUNTY "SOCIAL HOST" ORDINANCE, Discussion and Consideration

An ordinance prohibiting a host, as defined in the ordinance, from knowingly permitting a gathering where alcoholic beverages are possessed or consumed by minors

Also present: Blaine County Prosecutor Jim Thomas; Chief Deputy Prosecuting Attorney Tim Graves; Blaine County Sheriff Gene Ramsey; Blaine County Community Drug Coalition Executive Director Michael David; County Land Use Administrator Tom Bergin; Mickey Garcia; Penny Thayer; and *Idaho Mountain Express* reporter Greg Moore.

PUBLIC COMMENT:

Greenberg said Blaine County's Social Host ordinance was based on the social host ordinance in Thousand Oaks (Ventura County), California. Greenberg grew up in Thousand Oaks, and asked a Thousand Oaks Police Captain to lend his opinion (by phone) to today's discussion.

- Mickey Garcia said the United States has 5% of the world's population and 25% of the world's prisoners, many of whom are incarcerated for non-violent drug charges. This law doesn't solve a problem, but adds to the expense of incarcerating people.
- Sheriff Ramsey said this ordinance is only effective in the County and does not give law enforcement access to anyone's house. The proposed ordinance was written by the County prosecutor and carefully scrutinized by the Drug Coalition.
- Blaine County Community Drug Coalition (BCCDC) Executive Director Michael David said Blaine County's ordinance was based on an ordinance that has evolved over the years and is written to be enforceable. Other cities in Idaho who've enacted social host ordinances support them and have had little problem enforcing them. Most families who once hosted the parties no longer cause problems.
- David said it's a myth that there is less problem with alcohol in Europe because 13-year-old kids are introduced to alcohol in their families. In fact, Europe has, according to the World Health Organization, "... the highest proportion in the world of total ill health and premature death due to alcohol." This ordinance tries to provide one obstacle to putting substances into young "developing" brains as long as possible.
- Penny Thayer said the County has a responsibility to deal with this health and safety issue.

Schoen supports the ordinance in its present form. McCleary believes that underage drinking is a long-standing problem in the community and this ordinance is one deterrent. She feels that Blaine County youth need activities, positive social adult interaction, education on drug and alcohol and treatment for abuse, and this ordinance is part of needed education.

BCCDC Executive Director Michael David said his main reason for the ordinance was to curtail another person from allowing his children to do something he wouldn't allow them to do.

The BCCDC has implemented strategies that have helped to reduce alcohol use among Blaine County's high school seniors from 57% down to 49%. The BCCDC hopes this ordinance will continue to reduce alcohol abuse.

Ventura County Sheriff's Captain/Thousand Oaks Assistant Police Chief Jim Freyhoff (by phone) said they were experiencing an increase of home parties, some of which were hosted or supervised by an adult, where underage people consumed large amounts of alcohol and were victims of sexual assaults

and batteries. Ventura County adopted an ordinance that made it a penalty to host parties that allowed underage drinking. They made it a civil offense, and often found that community service was an educational experience for both youth and adult offenders. Both social host violations and youth who have experimented with alcohol at an early age have decreased substantially. Their ordinance is focused on education, awareness and prevention.

Blaine County’s ordinance has a very low fine for the first two offenses, which are infractions. Thomas said counties in Idaho have limited powers according to the State Constitution; and community service for an infraction is not an option in Idaho. A third offense is a misdemeanor and does allow the judge to levy community service, strict probation, suspended sentence, diversion, etc., just like in any other criminal case.

The County ordinance, if passed, will continue to be evaluated. Blaine County cities will consider their own social host ordinances as a whole-community strategy.

Additional concerns discussed by the BCC:

- Charging a minor who is a party host.
- The difference between private property and public property. Will enforcement on private property drive offenders to parties on public property?
- What if youth are under the influence when they show up at a party?

The BCC discussed language concerns in the ordinance. Their decisions follow:

- The number of participants that constitutes a “gathering” — Any assembly of 5 or more persons
- Are family members included in the “gathering”? — Family members are included in the number that constitutes a “gathering.”
- Whether the offender had knowledge and intent — “having actual knowledge that is sufficient to warrant further inquiry and inspection“
- Should a second or third infraction be a misdemeanor? — first and second offenses are infractions. The third offense is a misdemeanor.

The BCC postponed a decision on the ordinance to allow public comment on the proposed language revisions.

LAND USE and BUILDING SERVICES, Discussion and Consideration, CONTINUED

Findings of Fact: D-B Ranch Short Plat Subdivision

Also present: Blaine County Land Use Administrator Tom Bergin.

Schoen moved, seconded by McCleary, to approve Findings of Fact, Conclusions of Law and Decision on D-B Ranch Subdivision, 28 Punkin Center Road, as amended. Motion carried unanimously.

ADJOURN

At the hour of 4:54 p.m., with no more business before them, McCleary moved to adjourn, seconded by Greenberg. Motion passed unanimously.

Attest: _____ Approved _____

JoLynn Drage
County Clerk

Jacob Greenberg
Chairman