

**OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY
REGULAR MEETING OF THE JANUARY 2020 SESSION**

Fourth Day

Tuesday, January 28, 2020

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 8:00 a.m. Present were Chairman Jacob Greenberg, Vice-Chair Angenie McCleary (by phone for the morning session and in person for the afternoon session), and Commissioner Dick Fosbury; County Administrator Derek Voss; County Administrative Services Manager Mandy Pomeroy; Recording Secretary Sunny Grant; and Boise State University Practicum Student John Inman. County Clerk JoLynn Drage, Idaho Mountain Express reporter Gretel Kauffman; and Carl Massaro were present for part of the morning session.

Chairman Greenberg called the meeting to order at 8:08 a.m.

Commissioner Fosbury arrived at 8:35 a.m.

**BLAINE COUNTY JUDICIAL STAKEHOLDERS MEMORANDUM OF AGREEMENT
TO SUPPORT A PROPOSED BLAINE COUNTY DUI COURT PROGRAM**

Also present: Blaine County Chief Public Defender Justin McCarthy; Blaine County Sheriff Steve Harkins; Blaine County Chief Probation Officer Teresa Espedal; Blaine County Prosecutor Jim Thomas; Blaine County Court Supervisor Andrea Logan; Fifth District Judge Ned Williamson; Magistrate Judge Jennifer Haemmerle; Fifth District Trial Court Administrator Shelli Tubbs; and District 5 Problem Solving Court Manager Rich Neu.

The BCC and Fifth District administration personnel have been discussing implementing a DUI Problem Solving Court in Blaine County. Shelli Tubbs said stakeholders must submit an application to the statewide Drug Court and Coordinators Committee, which meets twice annually. The DUI team would review each DUI case with Probation and the Prosecutor to determine if the individual can participate in DUI Court.

DUI Court is voluntary, Treatment costs are borne by the defendant or Supreme Court, but the DUI Court will still cost the County considerable resources in time and money. Blaine County's DUI charges continue to increase, which is dangerous to the defendant and the community at large.

Magistrate Judge Haemmerle and Fifth District Judge Williamson shared their individual perspectives on protecting the rights of defenders. Greenberg acknowledged that the program would be expensive, but would hopefully improve recidivism, and cost less overall. Jim Thomas said DUIs present one of the greater challenges and dangers in the community. DUI Court is a tool and positive resource for the community.

Justin McCarthy supports DUI Court, with reservations. He said a Specialty Court heightens probation requirements of the defendant, making it easier for them to violate probation and be ejected from Specialty Court, and, in addition, incur a probation violation. McCarthy said his responsibility is for an individual's liberties or constitutional rights before the idea of community good or social worth. He said his clients frequently can't afford Specialty Court. They have low-paying jobs and transportation problems, and can accumulate infractions and violate probation.

Teresa Espedal said County Probation was seeing more DUI offenders, and more excessive and second offense DUIs. DUI offenders are seen and tested more often in the Probation office. She would like to see more support for these offenders, and this option would provide more opportunity for success and less risk to the community. She concurred that it is difficult for some people with transportation difficulties to get tested during working hours.

The cost to Blaine County for DUI Specialty Court would be about \$77,000, which would be included in the 2021 budget. Additional funding would come from the Idaho Supreme Court, private insurance plans, etc.

Judge Williamson thought there had been about 15 graduates of Blaine County's Drug Court. He has seen offenders with complex issues reconnect with family support and do well; and the success ripples down into the community.

Fosbury concurred that people with addictions were a complex challenge, and the cost is an investment in the community.

McCleary asked if people with transportation and financial challenges can get help from the Court to enable them to participate in the Specialty Court. She asked why Blaine County was considering a DUI Court instead of, for instance, a Mental Health Court.

Neu said they've received requests from other counties to start Mental Health Courts. The model for Mental Health Court requires community treatment, provided by Health and Welfare. Neu is tracking pilot programs in the State and looking at privatization of treatment, and funding for treatment.

Judge Haemmerle said most problems in Magistrate Court seem to involve mental health issues, with the primary area of manifestation being substance abuse, which, in magistrate court, is alcohol abuse.

The BCC acknowledged that they will have a tough time prioritizing important things in the upcoming budget process.

Fosbury moved, seconded by McCleary, to approve the Memorandum of Agreement between Blaine County and 5th Judicial District DUI Court to establish, develop and implement DUI Court in Blaine County. Motion carried unanimously.

PUBLIC COMMENT: None.

EXECUTIVE SESSION – §74-206 (1)(d) INDIGENT - Consideration of records that are exempt from disclosure as provided in Chapter 1, Title 74, Idaho Code

Also present: Blaine County Services Manager Brooke Baird and County Indigent Services Assistant Hayleigh Simpson.

Fosbury moved, seconded by McCleary, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(d), to consider indigent medical records that are exempt from disclosure. Roll call: Fosbury (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

OPEN SESSION RESUMED

INDIGENT CONSIDERATIONS - Board of County Commissioners Action

McCleary moved, seconded by Fosbury, to approve the application and cancel the hearing for request number 2019-1034-1, with reimbursement in the amount of \$150 monthly. Motion carried unanimously.

McCleary moved, seconded by Fosbury, to deny requests numbers 2019-1074-1, 2019-1075-1 and 2019-1076-1 indigency has not been established. Motion carried unanimously.

COUNTY DEPARTMENT REPORTS

Claims - Gretchen Stinnett

Fosbury moved, seconded by McCleary, to approve claims for January 22, 2020. Motion carried unanimously.

County Administrator - Derek Voss

- The County is moving forward with the invitation process for emergency communications computer aided dispatch and records management system software.
- The Administrator advised the BCC that the Sheriff's Search & Rescue has received a \$1,400 grant-type donation from the non-profit Idaho Community Foundation Heart of Gold Fund.

Operations – Mandy Pomeroy

Also present: County Operations Support Specialist Kay Draper; and County Grants and Procurement Specialist Lyn Drewien.

The draft job description for new part-time Sustainability position will be available this week. Greenberg suggested part of the position's strategic objectives be to gradually infuse all County departments and operations into a proactive "sustainable" mindset, perhaps with the assistance of a future intern.

CONSENT CALENDAR

- **Resolution 2020-03 Liability Insurance Budget Adjustment** Record #666742
- **Junior College Certificate of Residency forms:**

Greenberg moved, seconded by McCleary, to approve Commissioners Consent Calendar for January 28, 2020. Motion carried unanimously.

BOARD of COUNTY COMMISSIONERS REPORTS

Snowmobile Grooming Update – Steve Thompson

County Road and Bridge is now responsible for the snowmobile grooming program. The new Grooming Coordinator is doing well and groomer-operators are being trained. Thompson said they are working on getting a linked-in up-to-date information webpage on the County's website. McCleary said funding is available in the Snowmobile Grooming fund.

Letter of Support Avalanche Help – McCleary

McCleary asked the BCC to send a letter of support for the avalanche center to Idaho Department of Park and Recreation. Avalanche information contributes to the safety of all County Road and Bridge operators as well as the snowmobile groomers.

DESIGNATE POLLING PLACES

Also present: Blaine County Services Manager Brooke Baird and Election Specialist Hayleigh Simpson. Chairman Greenberg read the 2020 designated polling places.

BLAINE COUNTY POLLING PLACES March 10, 2020 - Presidential Primary		
PRECINCT #	PRECINCT NAME	POLLING PLACE
001	North Blaine County	Wood River Community YMCA 101 Saddle Road, Ketchum ID
002	Sun Valley	Sun Valley City Hall 81 Elkhorn Road, Sun Valley ID
003	North Ketchum	The Community Library 415 Spruce Ave N, Ketchum ID
004	South Ketchum	The Community Library 415 Spruce Ave N, Ketchum ID
005	Quigley	Community Campus 1050 Fox Acres Road, Hailey ID
006	Deer Creek	Community Campus 1050 Fox Acres Road, Hailey ID
007	NW Hailey	Community Campus 1050 Fox Acres Road, Hailey ID
008	NE Hailey	Community Campus 1050 Fox Acres Road, Hailey ID
009	SW Hailey	Community Campus 1050 Fox Acres Road, Hailey ID
010	NW Woodside	Community Campus 1050 Fox Acres Road, Hailey ID
011	SE Woodside	Community Campus 1050 Fox Acres Road, Hailey ID
012	Poverty Flat	Bellevue Elementary School 305 North 5 th Street, Bellevue ID
013	Bellevue	Bellevue Elementary School 305 North 5 th Street, Bellevue ID
014	Carey	Carey City Hall 20482 North Main, Carey ID
015	Gannett / Picabo	Silver Creek Convenience Store 18918 Highway 20, Picabo ID
016	Yale	Mail Ballot Precinct
	Absentee / Early Voting	Blaine County Courthouse & Mail 206 1 st Ave South, Hailey ID

EXECUTIVE SESSION - Idaho Code 74-206(1)(a) - P&Z Commission interviews

Fosbury moved, seconded by McCleary, to go into Executive Session, pursuant to I.C. 74-206(1)(a) to conduct Planning & Zoning Commissioner interviews. Roll call: Fosbury (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

Also present: P&Z Commissioner candidate Robert Fallowfield.

AUDIT PRESENTATION

Also present: Blaine County Clerk JoLynn Drage; Chief Deputy Clerk Leslie Londos; County Chief Deputy Treasurer Morgan Drage; and independent auditor Curtis Stoker, C.P.A.

Curtis Stoker presented the Fiscal Year 2019 annual independent audit of Blaine County, beginning with financial statements and supplemental information required by generally-accepted accounting and government accounting principles.

- The Independent Auditor's Report gives Blaine County a clean opinion.
- The Independent Auditor's Report gives Blaine County a clean opinion on Internal Controls and Compliance with Laws and Regulations.
- Blaine County's Management Discussion and Analysis highlights the County's past year's finances.
- The Statement of Net Position shows an overview of Blaine County as a whole. The County ended the year with cash stated at \$23,198,000, with \$2.2 million in Accounts Receivables, and \$163,000 delinquent taxes receivables.
- Total assets of the County are stated at \$57,611,000. Total liabilities \$12,528,000.
- Stoker reviewed Special Funds, where the BCC keeps money for special purposes. Funds are occasionally moved out of the General Fund into Special Funds, where they are actually expended. Such transactions are documented each step.

Stoker reviewed the remaining pages with the BCC; and detailed the Balance Sheet.

Stoker made the following suggestions:

- The County's federal grant record keeping and auditing could use some improvement.
- The Sheriff's Donation Account has long been a topic of concern. This is a Blaine County account that receives and holds private donations to the Sheriff's office; and is used for miscellaneous expenditures. Stoker said this account should be part of the County Clerk's budgetary process; but the Sheriff has resisted because donors might hesitate to contribute if they are worried that the money won't go directly to the Sheriff. The BCC asked the Sheriff's liaison Commissioner to talk to the Sheriff about this account.

BREAK

LAND USE and BUILDING SERVICES HEARINGS

- **Comprehensive Plan - Chapter 1, Transportation and Chapter 1A, Public Airport Facilities.** CONTINUATION (FROM DECEMBER 10, 2019) of public hearing and consideration of proposed amendments to Title 8, Comprehensive Plan. The proposed Chapter 1A would replace Section 2, Airport Service System, in the current plan. This is a required element of a comprehensive plan per Idaho Code 67-6508. Minor edits to Chapter 1, Transportation, will also be considered. The Planning & Zoning Commission recommended approval on November 7, 2019.

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; Blaine County Comprehensive Plan Update Consultant Lisa Horowitz; County Disaster Services Coordinator Chris Corwin; Friedman Memorial Airport Manager Chris Pomeroy; and Comprehensive Plan Update Steering Committee Member Len Harlig.

Grotto read re-notice.

McCleary moved, seconded by Fosbury, that notice was adequate. Motion carried unanimously.

Grotto reviewed recent revisions in Chapter 1 and 1A with the BCC. Topics of discussion included:

- Idaho Transportation Department Division of Aeronautics mostly emergency-use backcountry airports in the Craters of the Moon area of Blaine County, on or in close proximity to BLM land.
- A replacement Blaine County airport would be a long, complex, uncertain process; and very expensive.

Fosbury moved, seconded by McCleary, to amend the Blaine County Comprehensive Plan by replacing Section 2 Airport Services with proposed Chapter 1a Public Airport Facilities, and amending Chapter 1 Transportation, as revised, finding that the proposed amendment will not have an adverse effect on groundwater or upon the general health, safety and welfare of the public. Motion carried unanimously.

- **Comprehensive Plan - Chapter 6, Public Services, Facilities, and Utilities.** (CONTINUATION FROM JANUARY 7, 2020) of public hearing and consideration of proposed amendments to Title 8, Comprehensive Plan. Proposed Chapter 6 also covers School Facilities & Transportation and National Interest Electric Transmission Corridors. All are required elements of a comprehensive plan per Idaho Code Section 67-6508. The Planning & Zoning Commission recommended approval of the chapter on February 23, 2017.
- Len Harlig said the County's contract with St. Luke's provides a buy-back provision for the County in the event St. Luke's goes out of business.
- McCleary said the chapter didn't mention the environmental impacts of development, particularly in remote areas.
- The BCC suggested clarifying recycling and diversion. All recycling is diverted from the landfill. In Blaine County, glass is diverted to a holding site vs. actual recycling.
- Fosbury will check to see if there is recycling in Magic Reservoir area.

McCleary moved, seconded by Fosbury, to continue this hearing to March 17 at 1:30. Motion carried unanimously.

LAND USE and BUILDING SERVICES

• **Bellevue and Hailey Areas of City Impact (ACI) Update**

Also present: Blaine County Land Use Administrator Tom Bergin; County Land Use and Building Services Deputy Director Kathy Grotto; Hailey Community Development Director Lisa Horowitz; Jim Phillips; Friedman Memorial Airport Manager Chris Pomeroy; Sun Valley Board of Realtors Government Affairs Director Bob Crosby; Wood River Land Trust Deputy Director Amy Trujillo; Bellevue Mayor Ned Burns, Bellevue Community Development Director Diane Shay and Bellevue Public Works Director Frank Suwanrit.

Idaho State Code defines the role the County can play in the ACI process. County staff have attended recent Hailey and Bellevue city meetings and will continue to be involved. They have prepared maps and information that show ACIs being considered at this time by the two cities, including possible overlap(s).

Kathy Grotto reviewed the current ACI area proposed to be annexed by Hailey. Conservation easements won't permit expansion to the West and limit expansion to the East. Lisa Horowitz said Hailey will not annex outside its ACI.

Bergin and Graves will work out a course to continue.

EXECUTIVE SESSION - Idaho Code 74-206(1)(f) - Pending Litigation - Blaine County v Flying Heart Owners Association and Tegan v Blaine County; and Idaho Code 74-206(1)(a) to interview candidates for Planning & Zoning Commissioner.

Also present: Blaine County Chief Deputy Prosecuting Attorney Tim Graves; and County Land Use Administrator Tom Bergin.

McCleary moved, seconded by Fosbury, to go into Executive Session, pursuant to Idaho Code 74-206 (1)(f) for pending litigation, Blaine County vs. Flying Heart Owners Association, Teagan vs. Blaine County; and 74-206(1)(a) to interview candidates for Planning & Zoning Commissioner. Roll call: Fosbury (aye), McCleary (aye), and Greenberg (aye). Motion carried unanimously.

ADJOURN

At the hour of 4:30 p.m., with no more business before them, the County Commissioners adjourned.

Attest: _____ Approved _____
JoLynn Drage County Clerk Jacob Greenberg Chairman