



February 6 & 7, 2023, Emmett, Idaho

Pursuant to a recess taken on January 24, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 6th day of February 2023, at 8:30 a.m.

Present:	Mark Rekow	Commissioner
	Kirk Wille	Commissioner
	Sarah Story	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

February 6, 2023

REVIEW AND APPROVAL OF AGENDA: The Commissioners reviewed the agenda. A motion was made by Commissioner Rekow to approve the agenda as presented with the addition of (item N.), the Letter of Support for the Idaho Broadband Advisory to the Consent Agenda as this is time sensitive and needs to be signed by Wednesday and this request was not received timely for the agenda. It was seconded by Commissioner Wille and carried unanimously.

PUBLIC/INDIGENT DEFENSE LEVY REDUCTION: Clerk Tilton and Deputy Clerk Leandra Rountree discussed information prepared for the State Tax Commission for reduction of the county's levy based upon the amount levied for Public Defense for the past 3 years. Clerk Tilton explained that the county attempted to partially decrease the county levy this fiscal year based on legislation that was passed. That amount ended up as a forgone amount that the county can recoup this year. She explained that the Tax Commission requested levy information to determine the amount the county will reduce the overall levy by. There was no clear direction as to how to come up with the amount levied for Public Defense for the last 3 years. Some counties are using expenses while some are using budgeted amounts. Clerk Tilton explained that both budget and expenses were considered and both had about the same overall result. As levies are set based upon budgeted amounts, she and Leandra felt the most accurate was to go with budgeted amounts. With Public Defense being budgeted along with indigent expenses, a ratio was calculated based upon amounts budgeted for Public Defense and indigent budget amounts

and that ratio was used on the total amount levied in that fund to determine the percentage of the levy, which reflected the amount for Public Defense. For FY2022, there were no indigent expenses budgeted in the Indigent Fund. With state revenues and cash in the fund expected to cover the Public Defense costs, nothing was levied for that year. Documentation indicating the source information was provided and reviewed. Clerk Tilton feels this is an accurate calculation to provide. The Commissioners felt confident with the information presented. How this will affect budgeting for the next fiscal year was discussed.

Clerk Tilton discussed the 3rd invoice received from the new Public Defenders. As Public Defender Jay Kiiha discussed during a previous Public Defense update, the first two invoices were higher than the contract allows due to there being more of a learning curve than expected and a backlog of cases to get through. Clerk Tilton advised that the 3rd invoice is about the same as the first two and wanted to ensure the Commissioners were aware of this as invoices of this size would drain the budget well before the end of the fiscal year. She asked them to watch those invoices and expenditures each month, along with expenditures from Conflict Attorneys. She will ensure they receive financial reports to assist them in managing the contract and spending for Public Defense.

CONSENT AGENDA: A. Ethington Rezone Findings, Conclusions, Order, B. Gem County Ordinance 2023-1 Ethington Rezone, C. Designate polling location for March 14, 2023 election, D. Gem County Resolution 2023-04 destruction of Clerk's records, E. Fiscal Year 2022 Defense Attorney annual reports for Nick Wollen, Jolene Maloney, Theresa Martin and True Pearce, F. Guthrie Minor Subdivision Findings, Conclusions, Conditions, Order, G. Ranchos Los Caballos #2 Minor Subdivision Findings, Conclusions, Conditions, Order, H. Edgemont Estates Rezone Findings, Conclusions, Conditions, Order, I. Gem County Ordinance 2023-02 Edgemont Estates Rezone, J. Edgemont Estates Rezone Development Agreement, K. Appointment of Commissioner Wille to replace Commissioner Butticci on the Hospital Board, L. Operation in Funds for 10/1/22-12/31/22, M. Payroll claims approval for 2/7/23 and N. Idaho Broadband Advisory Board Letter of Support.

A motion was made by Commissioner Rekow to approve items A-N on the consent agenda. It was seconded by Commissioner Wille and carried unanimously.

SOUTHWEST IDAHO RESOURCE CONSERVATION & DEVELOPMENT (RC&D) COUNCIL SPONSORSHIP FOR 2023: The Commissioners reviewed the Southwest Idaho Resource Conservation & Development Council

Sponsorship for 2023. Commissioner Rekow would like to table this discussion for a later date to determine if there is a benefit to Gem County for this. He advised that this was not budgeted for.

A motion was made by Commissioner Rekow to table this discussion for a later date. It was seconded by Commissioner Wille and carried unanimously.

MINUTES: The minutes for January 23 & 24, 2023 were reviewed. A motion was made by Commissioner Rekow to approve the minutes for January 23 & 24, 2023 as amended. It was seconded by Commissioner Wille and carried unanimously.

MINUTES: The minutes for January 17, 2023 were reviewed. A motion was made by Commissioner Rekow to approve the minutes for January 17, 2023 as presented. It was seconded by Commissioner Wille and carried unanimously.

PUBLIC WALK-IN: Marty Fry met with the Commissioners to discuss the newly elected District Officials, Ordinances, growth, roads and the problems with drug addiction throughout the county.

Michael Pierce met with the Commissioners to express thanks to the road and the cycle park improvements that has been done. He still has concerns with Johnson Creek Road and advised that there has been a vehicle off the side of the road for some time which he notified the Sheriff's Department about. He also talked about base rock (crushed lava rock) that he has and is willing to donate to the county for Johnson Creek Road.

Bryan Elliott provided literature from the last Southwest District Health District meeting. He also talked about mental health.

ROAD DEPARTMENT UPDATE: Road and Bridge Supervisor Neal Capps provided updates on various projects they are working on. Other items that he talked about were a radar sign, drainage issues, equipment maintenance, Farmer's Co-op Bridge and asphalt.

INDIGENT MATTERS: At 11:35 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Wille and carried unanimously to go into executive session under Idaho Code 74-206(1)(d) for indigent matters with a roll call vote as follows: Commissioner Rekow, aye, Commissioner Wille, aye.

11-029	Settlement Request
14-119	Release of Lien
16-028	Release of Lien

Regular session reconvened at 12:00 p.m.

Commissioner Rekow made a motion that on cases 11-029 to table this and on cases 14-119 & 16-028 to sign the Release of Liens. It was seconded by Commissioner Wille and carried unanimously.

The Commissioners recessed at 12:00 a.m. for lunch to reconvene at 1:30 p.m.

INDIVIDUAL ASSESSMENT REQUEST FOR THE ROAD & BRIDGE IMPACT FEE FOR PROPERTY IN THE SHADOW BUTTE INDUSTRIAL PARK: Development Services Director Jennifer Kharrl advised that this is an individual assessment request for the Road and Bridge impact fees for property in the Shadow Butte Industrial Park and that staff has determined that the way the Industrial Park was built, with grant money and the purpose to provide jobs, it would not be appropriate to ask for impact fees for Road and Bridge. Road and Bridge Supervisor Neal Capps discussed the road structure of the Industrial Park and stated that it meets their standards and recommends waiving the impact fees. Jennifer talked about the valuation that was used. She advised that Fire and Sheriff is still considered for impact fees. The Commissioners are in favor of this request.

A motion was made by Commissioner Rekow that for the fees for Success Enterprises at the Industrial Park for the Road and Bridge portion be waived and to approve an individual fee assessment and that the Fire and Sheriff's Department stand as presented. It was seconded by Commissioner Wille and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen talked about various county legal matters.

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

The Board recessed at 5:00 p.m. to 8:30 a.m. on February 7, 2023.

February 7, 2023

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

The Board recessed at 5:00 p.m. to 8:30 a.m. on February 13, 2023.

Approved: _____
Chairman

Attest: _____
Clerk