

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE OPEN BUSINESS MEETING  
WEDNESDAY, NOVEMBER 14, 2012  
1:00 P.M.**

The Board of Ada County Commissioners (Board) met this date in an Open Meeting in the Commissioners' Conference Room of the Ada County Courthouse Complex to act on the following items. Staff members present: Phil McGrane and JoMeta Spencer, Clerk's Office; Vicky McIntyre, Treasurer's Office; Tim Tallman, Assessor's Office; Bob Perkins, Purchasing; Jessica Donald, Department of Administration; Ted Hutchinson, Solid Waste Management; Meg Leatherman and Christ Ragland, Development Services; and Ted Argyle, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

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**I. IN THE MATTER OF CALL TO ORDER:**

Commissioner Rick Yzaguirre called the meeting of the Ada County Commissioners to order at 1:01 p.m.

**II. IN THE MATTER OF ROLL CALL:**

Commissioners Rick Yzaguirre, Sharon M. Ullman and David L. Case were present.

**III. CHANGES TO THE AGENDA:**

There were no changes to the agenda.

**IV. UNFINISHED BUSINESS:**

- Purchasing (*Tabled from 10/30/12*)
  - Award of RFQ 13003 Computer Aided Dispatch Consulting Services for Ada County Sheriff's Office

**ACTION: S. ULLMAN MOVED TO REMOVE THE UNFINISHED BUSINESS FROM THE TABLE FOR CONSIDERATION. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

B. Perkins presented the Evaluation Committee's recommendation for award. S. Ullman read the Evaluation Committee's recommendation into the record.

**ACTION: S. ULLMAN MOVED TO ACCEPT THE RECOMMENDATION OF THE EVALUATION COMMITTEE AND AWARD RFQ 13003 ADA COUNTY LANDFILL MATERIALS FOR FY2013 TO WINBOURNE CONSULTING, LLC, IN THE AMOUNT OF \$125,404. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**V. NEW BUSINESS:**

1. Licenses (*Authorize the Chairman to Sign*)
  - a. New License - Ratify  
(*Signed by Commissioner Yzaguirre on 11/7/12*)
    - Whole Foods Market, 401 S. Broadway Ave., Boise, Beer/Wine
  - b. New Licenses (2)
    1. Slanted Rock Brewing Company LLC, 2374 E. Cinema Dr. # 100 & 101, Meridian, Beer/Wine
    2. Kilted Dragon Brewing, 9115 Chinden Blvd., Ste. 107, Garden City, Beer
  - c. License Transfer
    - Gone Rogue, 409 S. 8th St., Ste. # 103, Boise, Beer/Liquor

Only

P. McGrane stated that the required fees were paid and the paperwork was in order and awaiting signature.

**ACTION:** S. ULLMAN MOVED TO APPROVE AND RATIFY THE ONE NEW LICENSE SIGNED BY COMMISSIONER YZAGUIRRE ON NOVEMBER 7, 2012, AND APPROVE THE REMAINING LICENSES AS LISTED ON THE AGENDA INCLUDING TWO NEW LICENSES, AND ONE LICENSE TRANSFER; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

2. Auditor's Office

and

- Canvass & Certify November 6, 2012, General, Eagle Bond, Garden City Bond and Meridian Heights Sewer & Water Election results

P. McGrane presented the Board with the election results.

**ACTION:** D. CASE MOVED, PURSUANT TO IDAHO CODE § 31-804 AND 34-1205 WHICH REQUIRES THE BOARD OF COUNTY COMMISSIONERS TO CANVASS ELECTION RETURNS, TO CERTIFY THE ELECTION RESULTS AS PRESENTED FOR THE GENERAL ELECTION HELD NOVEMBER 6, 2012. S. ULLMAN SECONDED. D. CASE, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

**ACTION:** D. CASE MOVED, PURSUANT TO IDAHO CODE § 31-804 AND 34-1205 WHICH REQUIRES THE BOARD OF COUNTY COMMISSIONERS TO CANVASS ELECTION RETURNS, TO CERTIFY THE ELECTION RESULTS AS PRESENTED FOR THE EAGLE CITY BOND ELECTION HELD NOVEMBER 6, 2012. S. ULLMAN SECONDED. D. CASE, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

**ACTION:** D. CASE MOVED, PURSUANT TO IDAHO CODE § 31-804 AND 34-1205 WHICH REQUIRES THE BOARD OF COUNTY COMMISSIONERS TO CANVASS ELECTION RETURNS, TO CERTIFY THE ELECTION RESULTS AS PRESENTED FOR THE GARDEN CITY INITIATIVE ELECTION HELD NOVEMBER 6, 2012. S. ULLMAN SECONDED. D. CASE, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

**ACTION:** D. CASE MOVED, PURSUANT TO IDAHO CODE § 31-804 AND 34-1205 WHICH REQUIRES THE BOARD OF COUNTY COMMISSIONERS TO CANVASS ELECTION RETURNS, TO CERTIFY THE ELECTION RESULTS AS PRESENTED FOR THE MERIDIAN HEIGHTS SEWER AND WATER DISTRICT BOND ELECTION HELD NOVEMBER 6, 2012. S. ULLMAN SECONDED. D. CASE, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

P. McGrane acknowledged JoMeta Spencer and her Staff for the work her department did to ensure a successful election.

3. Claims Journal

- November 8, 2012

**ACTION:** S. ULLMAN MOVED TO AUTHORIZE PAYMENT OF CLAIMS ON THE CLAIMS JOURNAL DATED NOVEMBER 8, 2012. D. CASE SECONDED. S. ULLMAN,

**AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

4. Personnel Action Forms (3 Introductory Period Completion Pay Increases; 1 Leave with Pay; 5 Promotions; 1 Reclassification; and 1 Step Increase/Sheriff's Pay Plan)

**ACTION: D. CASE MOVED TO APPROVE THE PERSONNEL ACTION FORMS AS LISTED ON THE AGENDA INCLUDING 3 INTRODUCTORY PERIOD COMPLETION PAY INCREASES; 1 LEAVE WITH PAY; 5 PROMOTIONS; 1 RECLASSIFICATION; AND 1 STEP INCREASE/SHERIFF'S PAY PLAN; AND THAT THE SUMMARY SHEET REMAIN ON FILE IN THE COMMISSIONERS' OFFICE. S. ULLMAN SECONDED. D. CASE, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

5. Treasurer's Office  
V. McIntyre advised the Board that the tax bills have been mailed.
6. Assessor's Office - No Report
7. Tax Cancellations (20) (1-2011; 19-2012) (*Authorize the Chairman to Sign*)
- a. 2011 Property Roll (1)
- |                     |             |
|---------------------|-------------|
| - Klinepeter Joan P | R6875810410 |
|---------------------|-------------|
- b. 2012 Property Roll (19)
- |                                 |             |
|---------------------------------|-------------|
| 1. Jardine Robert               | R7689220100 |
| 2. Lozic Vezira                 | R7200810390 |
| 3. Shawler Debra K              | R7334211000 |
| 4. MHC Maple Grove Estates LLC  | S1112234025 |
| 5. Kidd Galen R                 | R1376810820 |
| 6. Idaho Property Holdings Inc  | R3219920014 |
| 7. 555661 S0229121003           | S0229121003 |
| 8. Step Rentals Corporation     | S0630141940 |
| 9. Wheeler Fred                 | S1326142025 |
| 10. Gage Travis Jay             | R1819740250 |
| 11. Watson Leebeth              | MSCHU691201 |
| 12. Klinepeter Joan P           | R6875810410 |
| 13. Hodge Kelly Thomas          | R0540730015 |
| 14. Carlsen-Vogt Jennifer N     | R3638511460 |
| 15. Roy Derek C                 | R7384250060 |
| 16. Ada County Highway District | S0619244235 |
| 17. City Of Meridian            | R0406000005 |
| 18. Ada County Highway District | R6129010080 |
| 19. Ada County Highway District | R6129010090 |

**ACTION: S. ULLMAN MOVED TO APPROVE THE TAX CANCELLATIONS AS LISTED ON THE AGENDA WHICH INCLUDES 1 TAX CANCELLATION FOR 2011, AND 19 TAX CANCELLATIONS FOR 2012; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

8. Volunteer Board Appointments (3)
- a. Reappointment of Brad Foltman to the Boise City/Ada County Housing Authority, Term to Expire on October 31, 2017
- b. Reappointment of Ryan Fitzgerald to the Boise City/Ada County Housing Authority, Term to Expire on October 31, 2017
- c. Reappointment of Cornel Larson to the Ada County Building Board of Appeals, Term to Expire November 1, 2016

**ACTION:** S. ULLMAN MOVED TO APPROVE THE THREE VOLUNTEER BOARD APPOINTMENTS AS LISTED ON THE AGENDA, WITH THE TERMS OF EXPIRATION AS SPECIFIED. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

9. Approval of Minutes (9) (*Authorize the Chairman to Sign*)
- a. Open Business Meeting, October 16, 2012
  - b. Executive Session of the Indigent Hearings, October 17, 2012
  - c. General Session of the Indigent Hearings, October 17, 2012
  - d. Executive Session of the Indigent Hearings, October 24, 2012
  - e. General Session of the Indigent Hearings, October 24, 2012
  - f. Executive Session of the Indigent Hearings, October 31, 2012
  - g. General Session of the Indigent Hearings, October 31, 2012
  - h. L.I.D. No. 1101 Open Business Meeting, October 15, 2012
  - i. L.I.D. No. 1101 Special Meeting, October 23, 2012

**ACTION:** S. ULLMAN MOVED TO APPROVE THE NINE SETS OF MINUTES AS LISTED ON THE AGENDA WITH THE PROVISION THAT IN THE CASE THAT ONLY TWO COMMISSIONERS WERE PRESENT AT A MEETING, ONLY THOSE COMMISSIONERS ARE TAKING THE ACTION RELATING TO THE CONTENT OF THOSE MINUTES; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

10. Juvenile Court Services (*Authorize the Chairman to Review and Sign*)
- Review of Juvenile Justice Annual Financial Report 10/1/11-9/30/12

**ACTION:** S. ULLMAN MOVED TO AUTHORIZE THE CHAIRMAN TO REVIEW THE JUVENILE JUSTICE ANNUAL FINANCING REPORT FOR OCTOBER 1, 2011, THROUGH SEPTEMBER 30, 2012, AND SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

11. Weed and Pest (*Authorize the Chairman to Sign*)

- a. Notices of Lien (4)

Name	Parcel	Amount
1. Cogdill Kristi	S1406347020	\$103.43
2. Hisel Terri L	R1479660075	\$147.16
3. Brutus Properties LLC	R1955001342	\$50.00
4. Torke Lynda J	R3473710080	\$50.00

- b. Release of Lien

Name	Instrument No.	Date
- Bank of New York Mellon Trustee	112113233	10/30/12

**ACTION:** D. CASE MOVED TO APPROVE FOUR NOTICES OF LIEN AND ONE RELEASE OF LIEN FOR WEED & PEST AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. S. ULLMAN SECONDED. D. CASE, AYE, S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

12. Expo Idaho (*Authorize the Chairman to Sign*)

- Interim Events (2)

1. Harris Publishing Company, Idaho Snowmobile Show, November 16-17, 2012
2. Michael Carrington, Wedding, December 22, 2012

**ACTION: S. ULLMAN MOVED TO APPROVE THE TWO INTERIM EVENT AGREEMENTS AS LISTED ON THE AGENDA FOR EXPO IDAHO; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

13. *Agreements (7) (Authorize the Chairman to Sign the Appropriate Documents)*
- a. Agreement No. 9976 - Master Contract for Professional Consulting Services Between Ada County and Control Engineers PA for Projects with Professional Services Fees not Exceeding \$25,000 (FY12-13)
  - b. Agreement No. 9977 - Building License Agreement Between Ada County and Syringa Networks, LLC to Construct, Install and Maintain Cables, Wires and Conduit to Provide Communication Services to Syringa Customers at the Courthouse Complex
  - c. Agreement No. 8437-5-12 - Renewal of Agreement Between Ada County and CorEMR, L.C. for Electronic Medical Records Systems and Software License for Ada County Jail (FY12-13)
  - d. Agreement No. 8563-5-12 - Renewal Agreement Between Ada County and CorEMR, L.C. for Electronic Medical Records Systems and Software Licenses for Ada County Juvenile Court Services (FY12-13)
  - e. Agreement No. 9287-2-12 - Renewal Agreement Between Ada County and Boise Riverside Ventures, LLC for the Operation and Management of the RV Park at Expo Idaho (FY12-13)
  - f. Agreement No. 9550-1-12 - Renewal Agreement Between Ada County and Redwood Toxicology Laboratory for Bioanalysis Services for Juvenile Court Services (FY12-13)
  - g. Agreement No. 9934-1-12 - Rider to Professional Services Agreement Between Ada County and Mission Critical Partners for Public Safety IT Network Consultation - Non-Disclosure Clause (FY12-13)

R. Yzaguirre read the agreement numbers into the record.

**ACTION: S. ULLMAN MOVED TO APPROVE THE SEVEN AGREEMENTS AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS ON BEHALF OF THE BOARD. D. CASE SECONDED.**

**DISCUSSION: S. ULLMAN DISCUSSED AGREEMENT NO. 9287-2-12 AND EXPLAINED THAT THE REFURBISHING PROJECT OF THE RV PARK WAS SUCCESSFUL.**

**ACTION: S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

14. Miscellaneous

1. Completion of Dynamis Design Contract No. 8952 and Exercise of "Put"

T. Argyle advised the Board that, to his knowledge, the Dynamis Professional Consulting Services Contract has been completed. He presented a draft letter for the Board to review and execute to bring the contract to a conclusion. The Board and T. Argyle discussed the proposed letter.

**ACTION: S. ULLMAN MOVED TO APPROVE THE LETTER PREPARED BY COUNSEL ON BEHALF OF THE BOARD WITH REGARD TO THE PUT OPTION FOR CONTRACT NO. 8952. D. CASE SECONDED FOR DISCUSSION.**

**DISCUSSION: D. CASE REQUESTED CONFIRMATION THAT THE PUT OPTION ITSELF WAS ESSENTIALLY SAYING THAT THE CONTRACT IS COMPLETE AND**

**THAT THE COUNTY IS REQUIRING PAYMENT OF THE MONEY AS AGREED IN THE CONTRACT. T. ARGYLE AFFIRMED. R. YZAGUIRRE SPOKE TO THE ROOM AND EXPLAINED THAT THE BOARD HAD A LETTER PREPARED BY LEGAL COUNSEL. HE STATED THAT IF IT PASSES, THE BOARD WILL SIGN OFF ON THE LETTER AND WILL MAKE IT AVAILABLE TO THE PUBLIC FAIRLY QUICKLY AFTER THE MEETING.**

**ACTION: S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

2. Response to Motion for Reconsideration, Cartwright Ranch, LLC

T. Argyle stated that at the Board's request he reviewed the letter received from the Cartwright Ranch individuals and disagreed with their analysis. He presented the Board a response for consideration.

**ACTION: S. ULLMAN MOVED TO APPROVE AND SIGN OFF ON THE RESPONSE TO THE MOTION FOR RECONSIDERATION FROM CARTWRIGHT RANCH, LLC. R. YZAGUIRRE SECONDED.**

**DISCUSSION: D. CASE DISCLOSED THAT HE RECEIVED CAMPAIGN CONTRIBUTIONS FROM ENNIS DALE, THE CLIENT OF THE ATTORNEY THAT DRAFTED THE LETTER. HE STATED THAT AS MUCH AS HE PERSONALLY AGREED WITH RECONSIDERATION, HE WAS RECUSING HIMSELF FROM THE VOTE. R. YZAGUIRRE DISCLOSED HE ALSO RECEIVED CAMPAIGN CONTRIBUTIONS FROM ENNIS DALE IN THE PAST, BUT DID NOT HAVE A CONFLICT WITH VOTING ON THE MATTER.**

**ACTION: S. ULLMAN, AYE, AND R. YZAGUIRRE, AYE. D. CASE, ABSTAIN. THE MOTION CARRIED.**

### Public Hearing

15. Resolutions (3)

- a. Resolution No. 1866 - Resolution for the Destruction of Certain 2006 Nonmedical and Medical Indigent Files
- b. Resolution No. 1868 - Resolution for Weed and Pest Control Fee Increase
- c. Resolution No. 1869 - Resolution to Appoint Outside Counsel

R. Yzaguirre read the resolutions into the record and opened the public hearing.

*[There was no public testimony.]*

R. Yzaguirre closed the public hearing.

**ACTION: S. ULLMAN MOVED TO APPROVE THE THREE RESOLUTIONS AS LISTED ON THE AGENDA. R. YZAGUIRRE SECONDED FOR DISCUSSION.**

**DISCUSSION: D. CASE STATED THAT HE WAS IN AGREEMENT WITH TWO OF THE RESOLUTIONS. S. ULLMAN SAID SHE WAS WILLING TO WITHDRAW HER MOTION AND START OVER. R. YZAGUIRRE AGREED.**

**ACTION: S. ULLMAN MOVED TO APPROVE RESOLUTION NO. 1866 AS LISTED ON THE AGENDA. D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**ACTION: S. ULLMAN MOVED TO APPROVE RESOLUTION NO. 1868. R. YZAGUIRRE SECONDED.**

**DISCUSSION: D. CASE EXPRESSED HIS CONCERNS WITH RAISING FEES SO CLOSE TO THE ADOPTION OF THE BUDGET. HE EXPLAINED THAT IF THE FEE INCREASE WAS ANTICIPATED IT MAY HAVE BEEN MORE APPROPRIATELY ADDRESSED IN THE BUDGET DISCUSSIONS. S. ULLMAN SUGGESTED THE DIRECTOR OF WEED AND PEST BE PROVIDED AN OPPORTUNITY TO EXPLAIN THE FEE INCREASE BEFORE THE RESOLUTION IS DENIED.**

**ACTION: S. ULLMAN WITHDREW HER MOTION. R. YZAGUIRRE AFFIRMED.**

**ACTION: S. ULLMAN MOVED TO TABLE RESOLUTION NO. 1868 TO NOVEMBER 20, 2012. R. YZAGUIRRE SECONDED. S. ULLMAN, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**ACTION: S. ULLMAN MOVED TO APPROVE RESOLUTION NO. 1869 AS LISTED ON THE AGENDA ON THE ADVICE OF THE BOARD'S INSIDE COUNSEL. D. CASE SECONDED.**

**DISCUSSION: S. ULLMAN EXPLAINED THAT SHE BELIEVED OUTSIDE COUNSEL WAS BEING RETAINED TO DEFEND THE COUNTY'S POSITION RELATING TO THE PAPERWORK FILED AND IS LIKELY TO LEAD TO THE RECOVERY OF ATTORNEYS FEES FOR THE COUNTY.**

**ACTION: D. CASE SECONDED. S. ULLMAN, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**VI: IN THE MATTER OF RECESS:**

There being no further business to come before the Board at this time, the meeting was recessed at 1:22 p.m.

\_\_\_\_\_  
Rick Yzaguirre, Chairman

ATTEST:

\_\_\_\_\_  
Christopher D. Rich, Ada County Clerk