

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE OPEN BUSINESS MEETING
TUESDAY, FEBRUARY 19, 2013
9:00 A.M.**

The Board of Ada County Commissioners (Board) met this date in an Open Meeting in the Commissioners' Public Hearing Room of the Ada County Courthouse Complex to act on the following items. Staff members present: Phil McGrane, Clerk's Office; Vicky McIntyre, Treasurer's Office; Tim Tallman, Assessor's Office; Larry Maneely, Commissioners Office; Bob Perkins, Purchasing; Meg Leatherman, Developments Services; Doug Adams and Kelsey Procter, Sheriff's Office; Scott Williams, Operations; and Justin Cafferty, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

I. IN THE MATTER OF CALL TO ORDER:

Commissioner David L. Case called the meeting of the Ada County Commissioners to order in the Public Hearing Room at 9:00 a.m.

II. IN THE MATTER OF ROLL CALL:

Commissioners David L. Case, Jim Tibbs and Rick Yzaguirre were present.

III. CHANGES TO THE AGENDA:

There were no changes to the agenda.

IV. NEW BUSINESS - REGARDING DYNAMIS ENERGY, LLC

D. Case began the meeting by reading an opening statement. The statement advised that the Board of Ada County Commissioners and Dynamis Energy had jointly announced termination of all agreements to construct a waste-to-energy facility at the Ada County Hidden Hollow Landfill. The statement continued that the Board had come to the conclusion that the decision is in the best interest of its constituents and that the plan was simply not the right project, in the right place, at the right time. He discussed the potential liability to the County and taxpayers. He ended by explaining that the settlement agreement before the Board cancelled the waste-to-energy project, released Dynamis from their \$2 million dollar obligation to Ada County and released Ada County from all potential claims from Dynamis of up to \$70 million dollars.

1. Agreements

- Agreement No. 10068 - Settlement Agreement Between Ada County and Dynamis Energy, LLC Releasing County's Claim Against Dynamis for \$2 Million Dollars, Dynamis' Claim Against the County of up to \$70 Million Dollars and Cancelling the Project

D. Case read Agreement No. 10068 into the record.

ACTION: J. TIBBS MOVED TO APPROVE AGREEMENT NO 10068 AS LISTED ON THE AGENDA. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

Public Hearing

2. Resolution

- Resolution No. 1887 - Resolution Terminating Agreement Nos. 8952, 9385, 9695, 9695-1-12, 9814 and Commitment Letter dated June 30, 2010
 1. Agreement No. 8952 - Contract for Professional Consulting Services Between Ada County and Dynamis Energy, LLC Where the Fee is Time and Materials with a Guaranteed Maximum Price; Ada County Waste to Energy Project
 2. Agreement No. 9385 - Franchise Agreement Between Ada County and Dynamis Energy, LLC, Regarding Waste to Energy at the Ada County Landfill
 3. Agreement No. 9695 - Amended and Restated Franchise Agreement Between Ada County and Dynamis Energy, LLC, Regarding Waste to Energy at the Ada County Landfill

4. Agreement No. 9695-1-12 - First Amendment to the Amended and Restated Franchise Agreement Between Ada County and Dynamis Energy, LLC, Regarding Waste to Energy at the Ada County Landfill
5. Agreement No. 9814 - Lease Agreement Between Ada County and Dynamis Energy, LLC
6. Commitment Letter Dated June 30, 2010 - From Ada County to Dynamis Allowing Negotiations for a Franchise Agreement

D. Case read Resolution No. 1887 into the record and opened the public hearing.

Kristin Stilton stated her name and address for the record. She thanked the Board for taking action to sever the relationship with Dynamis. She presented testimony encouraging this and future Boards to keep their constituents abreast of County business and projects and to include them in the process.

Courtney Washburn, representing the Idaho Conservation League (League), stated her name and address for the record. She presented testimony stating that the League fully supported the termination of the agreements between Ada County and Dynamis.

Richard Llewellyn stated his name and address for the record. He presented testimony regarding information published by Dynamis regarding the waste-to-energy facility and its emission of pollutants into the air.

Karen Danley stated her name and address for the record. She presented testimony supporting the termination and opposing the actions of the prior Board contracting with Dynamis. She discussed the cost of waste-to-energy facilities in other states. She stated she believed Dynamis would have underfunded the landfill. She reiterated prior testimony requesting the County include constituents in the decision making process on future projects.

Ken Lamkin stated his name and address for the record. He posed questions to the Board. D. Case advised K. Lamkin the Board would hear testimony relating to the resolution, but that they would not be answering questions. He presented testimony opposing the actions of the prior Board relating to the Dynamis project.

Hubert Osborne stated his name and address for the record. He presented testimony supporting the actions taken by the Board to terminate the contracts with Dynamis.

D. Case closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE RESOLUTION NO. 1887 AS LISTED ON THE AGENDA. J. TIBBS SECONDED.

DISCUSSION: J. TIBBS THANKED THE PUBLIC FOR ATTENDING THE MEETING AND TESTIFYING. HE STATED HE WOULD BE SUPPORTING THE MOTION AND BELIEVED IT WAS THE RIGHT DECISION FOR ADA COUNTY. HE SAID THE CURRENT BOARD STOOD UNITED IN THE DECISION. D. CASE REITERATED THE COMMENTS MADE BY J. TIBBS AND AFFIRMED THAT THE THREE COMMISSIONERS WERE IN AGREEMENT ON THE ACTIONS BEING TAKEN.

ACTION: R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

D. Case advised that the Board would be recessing to reconvene upstairs.

Jean Wechsler approached the podium. D. Case advised him that the hearing was over, but said he could present testimony.

Jean Wechsler stated his name and address for the record. He presented testimony supporting the termination of the Dynamis project. He discussed research he had completed on waste-to-energy facilities and stated he did not believe the project would have operated as presented.

D. Case advised that the Board would recess to complete the regular business meeting upstairs. He said the Board would be available for 10 - 15 minutes to answer questions from the media.

V. RECESS TO RECONVENE IN THE BOCC CONFERENCE ROOM, 3RD FLOOR

The Board recessed at 9:33 a.m. to reconvene in the BOCC Conference Room.

VI. IN THE MATTER OF CALL TO ORDER:

Commissioner David L. Case called the meeting of the Ada County Commissioners to order in the Commissioners' Conference Room at 9:56 a.m.

VII. UNFINISHED BUSINESS:

- Purchasing

- Award of Bid 13008 Ada County LED Lighting Project (*Tabled from 1/29/13*)

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

B. Perkins presented the Evaluation Committee's recommendation for award.

ACTION: R. YZAGUIRRE MOVED TO ACCEPT THE RECOMMENDATION OF THE EVALUATION COMMITTEE AND AWARD BID 13008 ADA COUNTY LED LIGHTING PROJECT TO W.W. GRAINGER, INC. AS THE LOWEST RESPONSIVE BIDDER IN THE AMOUNT OF 168,008.91. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

V. NEW BUSINESS:

1. Purchasing

- a. Opening of Bid 13022 Purchase of Jail Transport Bus for Ada County Sheriff's Office

B. Perkins provided the Board one response to Bid 13022. He requested the name of the bidder, confirmation that a bid bond security was included, and the base bid amount be read into the record.

D. Case read the requested information into the record.

B. Perkins requested the award of Bid 13022 be tabled to February 26, 2013, to allow the Evaluation Committee time to assess the proposals.

ACTION: R. YZAGUIRRE MOVED TO TABLE THE AWARD OF BID 13022 PURCHASE OF JAIL TRANSPORT BUS FOR ADA COUNTY SHERIFF'S OFFICE TO FEBRUARY 26, 2013. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

- b. Opening of RFP 13014 Inmate Services for the Ada County Jail

B. Perkins provided the Board one response to RFP 13014. He requested the name of the bidder be read into the record.

D. Case read the requested information into the record.

B. Perkins requested the award of RFP 13014 be tabled to March 12, 2013, to allow the Evaluation Committee time to assess the proposals.

ACTION: J. TIBBS MOVED TO TABLE THE AWARD OF RFP 13014 INMATE SERVICES FOR THE ADA COUNTY JAIL TO MARCH 12, 2013. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

2. Development Services (*Authorize the Chairman to Sign*)

- Fee Waiver/Reduction Request for James P. Shirley
(Fee Amount for an Appeal \$350; Applicant is Requesting a Reduction of \$350.)
Director's Recommendation: Denial

M. Leatherman discussed the fee waiver request. She explained the request was for a waiver of fees for an appeal.

ACTION: R. YZAGUIRRE MOVED TO ACCEPT STAFF'S RECOMMENDATION AND DENY THE FEE WAIVER REQUEST FOR JAMES P. SHIRLEY; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

3. Licenses (*Authorize the Chairman to Sign*)

a. Ratify- License Transfer

(*Signed by Commissioner Case on February 12, 2013*)

- Tenth Street Station, 104 N. 10th Street, Boise, Beer/Liquor

b. License Renewals (8)

1. A New Vintage Wine Shop Inc., 1400 N. Eagle Rd #104, Meridian, Beer/Wine
2. Flicks, 646 Fulton St., Boise, Beer/Wine
3. Gem Stop #12, 4168 Chinden Blvd., Garden City, Beer/Wine
4. Ling & Louie's Asian Bar & Grill, 3210 E. Louise Dr., Meridian, Beer/Liquor
5. Paul's Markets, 10565 Lake Hazel Rd, Boise, Beer/Wine
6. Paul's Markets, 700 E Avalon, Kuna, Beer/Wine
7. Ultra Touch, 835 E. Fairview, Meridian, Beer Only
8. William Neville Stowe Winery, 1000 N. McDermott Rd., Kuna, Beer/Wine

C. Rich stated that the required fees were paid and the paperwork was in order and awaiting ratification or signature as appropriate.

ACTION: J. TIBBS MOVED TO APPROVE AND RATIFY THE ONE LICENSE TRANSFER SIGNED BY COMMISSIONER CASE ON FEBRUARY 12, 2013, AND APPROVE THE EIGHT LICENSE RENEWALS AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

4. Auditor's Office - No Report

5. Claims Journals (2)

- a. February 12, 2013
- b. February 14, 2013

ACTION: R. YZAGUIRRE MOVED TO AUTHORIZE PAYMENT OF CLAIMS ON THE CLAIMS JOURNALS DATED FEBRUARY 12, 2013, AND FEBRUARY 14, 2013. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

6. Personnel Action Forms (3 Conditional Pay Increases; 10 Introductory Period Completion Pay Increases; 15 Leaves with Pay; 2 Promotions; 4 Reclassifications; and 2 Salary Increases)

ACTION: J. TIBBS MOVED TO APPROVE THE PERSONNEL ACTION FORMS AS LISTED ON THE AGENDA INCLUDING 3 CONDITIONAL PAY INCREASES; 10 INTRODUCTORY PERIOD COMPLETION PAY INCREASES; 15 LEAVES WITH PAY; 2 PROMOTIONS; 4 RECLASSIFICATIONS; AND 2 SALARY INCREASES; AND THAT THE SUMMARY SHEET REMAIN ON FILE IN THE COMMISSIONERS' OFFICE. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

7. Treasurer's Office

- Authorization for Tax Refund
- Barrus, Joseph P. Parcel No. S0510427835

V. McIntyre explained that a deed was improperly recorded. She said the taxes were paid by Joseph Barrus; however, he was not the responsible party. Pursuant to Idaho Code, the Board is the only body authorized to refund the paid taxes.

ACTION: R. YZAGUIRRE MOVED TO AUTHORIZE THE TAX REFUND FOR JOSEPH P. BARRUS AS PRESENTED BY THE TREASURE'S OFFICE IN THE AMOUNT OF \$753.65. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

8. Assessor's Office - No Report

9. Chief of Staff

L. Maneely provided the Board an update on his activities. He advised the Board that House Bill 95 was defeated in committee. He said House Bill 136 and Senate Bill 1046 were both held in committee.

10. Volunteer Board Appointments (3) (*Authorize the Chairman to Sign*)

- a. Appointment of Chris Blanchard to the Waterways Advisory Committee, Term to Expire 1/1/16
- b. Reappointment of Becky Young to the Western Idaho Fair Advisory Board, term to expire 9/30/15
- c. Reappointment of John Mundt to the Western Idaho Fair Advisory Board, term to expire 9/30/15

D. Case read the appointments into the record.

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

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

- Model M & P Certificates of State Use for Purchase of Fuel from United Oil and Gem Stop

ACTION: R. YZAGUIRRE MOVED TO AUTHORIZE THE CHAIRMAN TO SIGN THE CERTIFICATES OF STATE USE FOR PURCHASE OF FUEL FROM UNITED OIL AND GEM STOP FOR WEED AND PEST. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

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

- Interim Events (2)
 1. Rocky Mtn. Pygmy Goat Club, Pygmy Goat Show, May 4, 2013 & September 28, 2013
 2. Shanna Dewey Productions, Spring Fling, May 4, 2013

ACTION: R. YZAGUIRRE 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. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

13. Parks and Waterways (*Authorize the Chairman to Sign*)

- Barber Park Education and Event Center (4)
 1. Danielle Henrickson, Wedding Reception, Friday, May 10, 2013
 2. Dax Chizum, Idaho Human Rights Fundraiser, Thursday, June 20th, 2013
 3. Sierra Plott, Wedding and Reception, Sunday, June 2nd, 2013
 4. Wendy Hettinga, Wedding and Reception, Saturday, January 4th, 2014

ACTION: J. TIBBS MOVED TO APPROVE THE FOUR BARBER PARK EDUCATION & EVENT CENTER AGREEMENTS AS LISTED ON THE AGENDA FOR PARKS AND WATERWAYS; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

14. Agreements (8) (*Authorize the Chairman to Sign the Appropriate Documents*)

- a. Agreement No. 10070 - Agreement Between Ada County and Alligare, LLC for Rental of Conference Room Located at 975 E. Pine Avenue, Meridian Idaho (Exp. 9/30/13)
- b. Agreement No. 10071 - Agreement Between Ada County and Wilbur-Ellis for Purchase of Chemicals to be Used by Ada County Weed and Pest Control (FY12-13)
- c. Agreement No. 10072 - Agreement Between Ada County and Helena Chemical Company for Purchase of Chemicals to be Used by Ada County Weed and Pest Control (FY12-13)
- d. Agreement No. 10073 - Agreement Between Ada County and Fast Track Entertainment, Inc. for Kids' Pedal Tractor Pull During the 2013 Western Idaho Fair (WIF 2013)
- e. Agreement No. 10074 - Agreement Between Ada County and Belfor USA Group, Inc. for Red Alert Emergency Services
- f. Agreement No. 10075 - Agreement Between Ada County and Data Works Plus, LLC for Maintenance Support for the County Live-Scan Finger/Palm Print System and Mugshot System (FY12-13)
- g. Agreement No. 10076 - Data Transfer Agreement Between Ada County and the City of Meridian for Delivery of Certain County Computerized Data Elements
- h. Agreement No. 9813-3-13 - Project Scope of Services Agreement Between Ada County and Eidam & Associates for Replacement of Emergency Generator

D. Case read the agreements into the record.

ACTION: R. YZAGUIRRE MOVED TO APPROVE THE EIGHT AGREEMENTS AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS ON BEHALF OF THE BOARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

15. Miscellaneous

a. Waiver of Mandatory Trash Pick-Up, Hulet

b. Designation of Allumbaugh House Representative

ACTION: R. YZAGUIRRE MOVED TO APPROVE THE TWO MISCELLANEOUS ITEMS AS LISTED ON THE AGENDA. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

J. Morris stated that a representative needed to be designated in the motion.

ACTION: R. YZAGUIRRE MOVED TO AMEND HIS MOTION TO APPROVE THE WAIVER OF MANDATORY TRASH PICK-UP. J. TIBBS, SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.

ACTION: J. TIBBS MOVED TO DESIGNATE COMMISSIONER YZAGUIRRE AS THE ALLUMBAUGH HOUSE REPRESENTATIVE. D. CASE SECONDED. J. TIBBS, AYE, D. CASE, AYE, AND R. YZAGUIRRE, AYE. THE MOTION CARRIED UNANIMOUSLY.

Public Hearing

16. Resolutions

- Resolution No. 1888 - Adjusting the Ada County Budget to Reflect the Receipt of Unscheduled Revenue to the Ada County Sheriff's Office Budget

D. Case read Resolution No. 1888 into the record and opened the public hearing.

[There was no public testimony.]

D. Case closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE RESOLUTION NO. 1888 AS LISTED ON THE AGENDA. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, 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 10:18 a.m.

Chairman

ATTEST:

Christopher D. Rich, Ada County Clerk