

July 31, 2017

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 31st day of July, 2017.

IN THE MATTER OF ROLL CALL)

Betty Thomas, Clerk, called roll call. Tom Anderson, present; Kirk Chandler, present and Nate Marvin, absent.

Kirk Chandler opened the meeting and Betty Thomas led the Pledge of Allegiance. Tom Anderson gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

Correspondence received by the Board was reviewed and disseminated as required.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of July 24, 2017 were approved as written.

IN THE MATTER OF AGENDA)

Kirk Chandler moved, seconded by Tom Anderson to amend the agenda to delete Rob Dickerson at 2:00 p.m. and move the budget discussion from 2:30 p.m. to 2:00 p.m. Motion carried unanimous.

IN THE MATTER OF QUIT CLAIM DEED)

Tom Anderson moved, seconded by Kirk Chandler to authorize the Chairman to sign the Quit Claim Deed for the Tax Deed Auction property on Parcel #RPW1950001008A from Washington County to Freeman Group LLC, Boise, Idaho. Motion carried unanimous.

IN THE MATTER OF DEMAND CLAIM)

Tom Anderson moved, seconded by Kirk Chandler to approve issuance of a demand claim in the amount of \$52.10 to Meridian Fence for a pole for the Road and Bridge Department. Motion carried unanimous.

IN THE MATTER OF ECLIPSE/ROAD CLOSURES)

There was a large group of people including Glen and Jeanne Walker, Dan Moyle, Conley Walker, Troy M. Mock, Tim Cobb, Pat and Lavina Palmer, R.L. Slyter, Rockford Stone, Chet Slyter, Jim Eckhardt, Casey and Pattie Chandler, George Soulier, Bob Eisenbarth, Larry Little, Bill Gale, Sabrina Young, Jeff and Ida Widener, Teresa Fox, Ty

July 31, 2017

Eisenbarth, Brian Graham, Ron Bruce and Dave Moyle. All came to discuss closures during the eclipse event. Also present were Matt Thomas, Sheriff, Cody Strong, Chief Deputy Sheriff; Delton Walker, Prosecuting Attorney; Steve Dombay, Emergency Management and Arlen Wilkins, Road and Bridge Supervisor.

Kirk Chandler opened the meeting and ascertained where the people were from. He stated the Board understands the concern over the amount of people that are expected to come to Washington County for the eclipse. He said up until now they had decided they were not going to close any roads even though there have been lots of people asking about closing the roads. He said that any place where there are public lands, there is a legal issue.

Matt Thomas, Sheriff, said it was brought to him about closing Rock Creek and Jenkins Creek Roads. He stated he did not have the manpower to close roads and man roadblocks. He said his concern is that there is not a fire district on those roads. He said they do not have the equipment to fight a fire that might start in that area. Tom questioned what days the roads would be closed. Matt said he thought only the day of the eclipse. There was discussion that people are planning to come before that day. Kirk said the County does not have the right to keep people off of public lands.

Troy Mock, Olds Ferry Road, said he has cows in the area and is concerned about the fire danger. People need to be aware of the area and what they can and cannot do. He said he was a deputy sheriff for 30 years and been involved in some large fires. He said he knew how things can go bad very quickly. He said trying to get people to safety would be an issue. He said it is bad all the way around if it happens. He said he was under the impression in a state of emergency, the Sheriff would say these roads can close because of that. Troy said his idea is to close the roads except to local traffic only beginning the Wednesday before. He said if they stopped 75% of the people from going up there that is 75% less people that they have to deal with. He said that some people will go through the roadblocks regardless.

Matt asked Delton if he were to close Rock Creek Road, is he obligated to man that road block. Delton said he was not sure. He said he needs to research this issue to see what they can or cannot do. He said he has not been able to find information at this time but he needs to research more to see what authority the Sheriff has. He said it is necessary to have a very good basis for closing a road that accesses public lands. He said if we were to do that we would need to make sure we do it fairly across the board.

Kirk said that private landowners have the right to post, patrol, and to put up signs saying "extreme fire danger" and "do not leave the road." He said a person can do all that as a private landowner on their own land. Kirk said the Forest Service has said they are not going to close their roads because they are public roads and public lands. Kirk said if there was a fire, the Forest Service would close roads and block access to the fire area.

July 31, 2017

Delton said it is different when there is an anticipated event and no proof that people will even come. He said they may not come and we do not have any idea. He told Matt that if a sign is posted across the road, he did not think he would have to man that but someone could just move the sign to the side. Delton also said the landowners could document with camera, pictures and videos of people who might be trespassing and could possibly file charges after the event.

Larry Little, 1160 Olds Ferry Road, said he was representing Eckhardt Ranches. He said it was his understanding that Jenkins Creek is a private road that the County maintains. He asked if they would be able to look at it differently. Delton stated it was not a private road. He said it is a County right-of-way at a certain width. He said that was determined by a Court here in the County. He said it was not different than any other road.

Chet Slyter, 848 Jonathan Road, stated they closed Jenkins Creek Road in the wintertime. Kirk said this last year that changed. It will not be closed anymore.

There was discussion regarding who would respond if there was a fire in these areas.

Tom said one of his concerns is that he wants to protect property, livestock, families and everyone who lives in the County. He said we are dealing with people who are coming in here that spend their lifetime chasing eclipses and have planned to come here for a long time. He can see the possibility of a lawsuit on both sides. He said we need to make sure that we can justify the decisions we make. Kirk talked about the lawsuit in Boise County over a development the County would not allow and it ended up bankrupting the County. Boise County had to levy to settle that lawsuit and the taxpayers paid for it. He said that is the risk the landowners would take in closing a road that has public lands.

Delton said Idaho law is very liberal as to what it takes to post private property. He said everyone who is coming in does not know or understand Idaho law so this is a situation where a landowner would want to actually put up a sign that says private property. He said they could fence their property. He said people may still trespass.

Steve Dobby, Emergency Management, said this is a new experience. He said it is bringing out a lot of questions as to what we can and cannot do. He said declaring an emergency was to help if we do have extraordinary expenses.

Tom said there are a lot of questions and things that need to be ascertained before we can do anything. Kirk said if we close roads we would have to close all access points and we would have to clear it with BLM and the Forest Service. Kirk said people are coming and if we block off one thing they will go somewhere else and to someone else's property.

July 31, 2017

George Soulier, East Fork Road, said his land is out of the Fire District. He said he understood the concern about blocking off public lands but asked how are emergency vehicles going to be able to get through if they need to.

Kirk said we have been told that people will just stop in the middle of the road and have been told there will be a delay beginning at the freeway. He said Washington County is one of the prime spots in the whole United States.

Delton asked that if anyone had any information to let him know so he can research.

Dan Moyle, Rock Creek Area, said if we do not limit access in some way, it appears that the County is going to be liable for any accidents. Delton said we cannot foresee that something will happen. He said for the County to be liable, it has to be foreseeable. He said right now we are speculating.

Delton said one thing we can be sure of is that if we block access to public lands, we could be subject to a lawsuit. He said one thing we cannot be sure of is whether anybody is going to start a fire or not. He said that is a guess.

Kirk said the landowners can post and protect their property whether the County decides to put up a roadblock or not.

Conley Walker, Rock Creek, asked about closing roads due to maintenance. Arlen stated they never totally close the road, they always have access through.

Kirk Chandler said he does not want taxes to go up to pay for a lawsuit. He said we have been faced with that on other decisions we have dealt with since he became a Commissioner. He said if people do not obey the law, they will be sued and we will win. He said they have chosen to obey what the law and codes say to protect the landowners from unconstitutional lawsuits. He said this is the situation we are in here as well.

Delton said the community has invited people to the community and that adds to the situation.

Troy Mock said he thought we need to concentrate on the safety and security of the people, the property in our area, and the fire danger. He said if we do that we would be proactive. Kirk said the whole County is dry and a fire danger. We would have to close roads across the whole County. Kirk said when we have something of this magnitude, even if we closed the road, you would have to be prepared to fight a fire to protect your property on your own because whether you are in a fire district or not they are more than likely are not going to be able to come.

Delton clarified with Matt how many deputies he had on a regular night. Matt said two or three. Delton said that is because that is all we can afford. Delton said we could raise

July 31, 2017

taxes and get more deputies. There was further discussion regarding emergency services and not being able to respond or get through. Kirk said this is going clear across the State and it is affecting everybody.

Tim Cobb asked about advertising and promoting the burn ban so more people know. He suggested signs and flyers stating the ban. He said he thought Washington County should be promoting the burn ban and educating the community. Delton said he totally agreed. Tim talked about the County providing signs, having them printed and offering them to landowners to be posted. He thought they needed to be professional signs with the Sheriff's seal on it. He said he would be willing to pay to buy them from the County.

Teresa Fox said she thought we should have more Citizens on Patrol. Kirk said people have the right to patrol their own property.

Matt said they anticipate being able to respond to trespassing calls before the Monday of the eclipse but not the day of the eclipse.

Kirk closed the meeting and stated he would encourage everyone no matter what the County decides to take care of their own property as best they can. He said the County will do whatever we can. He said Delton and Matt would look into the legal ramifications and decide what we want to do from there.

There was discussion regarding signs and ordering some. Sabrina Young, Treasurer said she would check on costs of signs and order them if we can.

Delton said we do care about all the landowners and everyone concurred. He said if he could find something in the law that said we could close the roads, he would be all for it but he cannot find it.

IN THE MATTER OF EXECUTIVE SESSION)

Kirk Chandler moved, seconded by Tom Anderson to go into executive session at 10:21 a.m. in accordance with I.C. 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Motion carried unanimous. Tom Anderson, Aye; Kirk Chandler, Aye.

Kirk said they were out of executive session at 10:55 a.m.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Also present was Steve Domby, Emergency Management Administrator.

July 31, 2017

Kirk Chandler moved, seconded by Tom Anderson to go into executive session at 11:04 a.m. in accordance with I.C. 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. Motion carried unanimous. Tom Anderson, Aye; Kirk Chandler, Aye.

Kirk stated they were out of executive session at 11:27 a.m.

Delton discussed miscellaneous issues.

Kirk Chandler read into the record and moved, seconded by Tom Anderson to adopt Resolution 17-10 establishing a burn ban for Washington County. Motion carried unanimous.

There was discussion regarding the temporary modification to the fire code requirements for the Sale Barn to allow fire alarms until they are able to install a sprinkler system.

There was discussion about signs for landowners to put up on their property regarding the burn ban.

IN THE MATTER OF LUNCH)

Kirk Chandler moved, seconded by Tom Anderson to recess for lunch at 11:57 a.m. Motion carried unanimous.

IN THE MATTER OF ROAD AND BRIDGE & SOLID WASTE)

Arlen Wilkins, Road & Bridge Supervisor, met with the Board.

Arlen presented two applications for a trench and bore at 462 Riverdock Road to place fiber optic cable.

Arlen said they are working on Organics Way.

Arlen said he has a meeting with the feds and LHTAC on the federal highway monies for the three roads in Washington County on Thursday.

Arlen said he had a letter from Weiser Valley Highway District asking to use the old mower tractor. They would store it and take care of it.

Arlen talked about helping Weiser Valley Highway District with their chip seal project then they will come flag for us while we do ours.

July 31, 2017

There was discussion regarding some complaints about dust and mag chloride. There was also discussion regarding a pavement grinder and costs.

Kirk Chandler moved, seconded by Tom Anderson to allow Track Utilities to trench and bore at 462 Riverdock Road for placement of fiber optic cable. Motion carried unanimous.

IN THE MATTER OF AMBULANCE)

Kirk Chandler moved, seconded by Tom Anderson to recess as the Board of Washington County Commissioners and convene as the Board of the Weiser Ambulance District. Motion carried unanimous.

Betty Thomas, Clerk, called roll call. Tom Anderson, present; Kirk Chandler, present; Nate Marvin, absent.

Larry Colella, Ambulance Supervisor, met with the Board.

Larry presented claims for payroll in the amount of \$18,823.96.

There was discussion of the grant received for the ambulance and the side-by-side.

Tom Anderson moved, seconded by Kirk Chandler to approve Order 17-22 in the amount of \$18,823.96 in payment of payroll claims. Motion carried unanimous.

Larry said there were 9 calls for service last week with 2 transfers and 2 rendezvous.

Kirk Chandler moved, seconded by Tom Anderson to recess as the Board of the Weiser Ambulance District and reconvene as Board of Washington County Commissioners. Motion carried unanimous.

Betty Thomas, Clerk, called roll call: Tom Anderson, present; Kirk Chandler, present; Nate Marvin, absent.

IN THE MATTER OF BUDGET DISCUSSION)

There was general discussion of the proposed budget.

Tom Anderson moved, seconded by Kirk Chandler to approve publication of the FY2018 proposed budgets of Washington County and the Washington County Gopher Control District. Motion carried unanimous.

July 31, 2017

Tom Anderson moved, seconded by Kirk Chandler to approve the expenditure of \$13,800.00 to upgrade the County website and make it ADA compliant. Motion carried unanimous.

Tom Anderson moved, seconded by Kirk Chandler to allow the Deputy Auditor to pay the remainder of the Juvenile Detention expenses from the Commissioners' Contingency Fund. Motion carried unanimous.

Motion by Kirk Chandler, seconded by Tom Anderson and unanimously carried to recess at 2:36 p.m. until August 7, 2017 at 8:45 a.m.

Chairman, Board of County Commissioners

ATTEST:

Clerk