

August 14, 2017

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 14th day of August, 2017.

IN THE MATTER OF ROLL CALL)

Lorri Nakamura, Deputy Clerk, called roll call. Tom Anderson, present; Kirk Chandler, present and Nate Marvin, present.

Kirk Chandler opened the meeting and Nate Marvin led the Pledge of Allegiance. Kirk Chandler 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 31, 2017 were approved as amended.

IN THE MATTER OF CLAIMS)

The claims, audited by the Auditor, were presented and reviewed by the Board. All credit card claims were reviewed.

The Auditor was authorized to issue warrants totaling \$196,591.66 for general expenses by a motion of Tom Anderson, seconded by Kirk Chandler. Motion carried unanimous.

IN THE MATTER OF CERTIFICATES OF RESIDENCY)

Kirk Chandler, moved, seconded by Nate Marvin to approve Certificates of Residency for Mariah Haro, Lindsi Wilson and Rileigh Whitener. Motion carried unanimous.

IN THE MATTER OF ROAD CLOSURES)

In attendance were Matt Thomas, Sheriff; Cody Strong, Chief Deputy Sheriff; Steve Domby, Emergency Management Administrator; Delton Walker, Prosecuting Attorney; Larry Little, Martha Eaton, Jack Walker, Larry Meyer, George Delchiaro, Steve Lyon, Troy Mock, Rockford Stone, Casey and Patty Chandler.

The Board said they are sending burn ban signs to Cambridge to City Hall so they have availability to them. The City will take the names and the money for the signs and return it to us. Kirk reiterated that the signs are available and landowners get two free, then each sign with the stakes will be \$5.00.

August 14, 2017

Delton went to training last week and was able to visit with other counties regarding road closures. He said Gem County is closing a couple of roads with no legal basis. He also spoke with the Prosecutor from Lemhi County and he said there are no laws to close roads. It is a choice. He did find some general authority to regulate roads. It is optional for the Board to decide how to handle the closures.

Delton stated among the Sheriff's duties is to work with county and Idaho State Police in accordance with I.C. Code 31-2202(13)(d) to regulate traffic on all county highways and roads. He said you must use discretion and articulate the reason for closures. He said the duties for the Board given in I.C. 31-807, mentions the power or authority to preserve and take care of or manage and control county property, which includes county roads and public rights-of-way. He said if the County closed roads, they would do a resolution and must set forth the reasons why.

Delton said there are no statues about accessing public lands. You must use discretion and knowledge.

Tom asked what if there is only one way in to public lands and we close the roads. Delton said it is a problem to consider.

Matt said he is looking at the fire protection aspect. He said he does not have equipment to respond to fire calls. He said the Forest Service or BLM is not required to respond to a fire unless it is on federal property. There was discussion regarding property not in the fire district and why it is not.

Kirk said if land is in a fire district, the fire chief can call for mutual aide. If there is no fire district then it is only the county's responsibility. If a fire starts on public land and goes to private property, landowners would sue the government. If it starts on private property and spreads to public property then the landowner could be sued. Landowners have the right to post and patrol and use fire protection on private property.

Matt said he has no issue closing roads but has no personnel to enforce it. He asked Delton about the liability. Delton said someone can always sue the County, and it would be up to the courts.

Kirk asked how many landowners would like to be annexed into the fire district so they would have more help from the Forest Service and the fire district. No one responded to the questions.

Kirk said the Forest Service has contacted Matt. Matt said they want us to be responsible for one-half the cost. The cost of fighting a fire would fall back onto the landowner if it was on their property because the County does not have the money to cover.

August 14, 2017

Matt said if they put up a barricade it would be on Thursday and the road would be closed to everyone. Delton suggested to only open for local traffic and to regulate it.

Jack Walker asked if the County would be responsible for the roads only during the time the road is closed. He asked if as a private landowner and the road is closed, can they get to their own property? They discussed partial access and no access. Lloyd Roberts said he did not want it closed. He wanted to protect it himself.

Jack Walker said he thinks there would be a way to determine the local owners and the out-of-town people.

Rocky Stone for James Eckhart stated the local people need access to their property and they will patrol it heavily themselves. If the roads are closed and they cannot patrol their property it would not be of any help because some people are going to ignore the posting.

George Delchiaro speaking for the Maddox Ranch said that they may put up a gate at the cattleguard that is not locked and it may keep some people out. Delton said no land owner can put up a gate or close off any public right-of-away. If they did, they must have prior approval from the Commissioners.

Kirk spoke with the Forest Service. The Forest Service said they are not closing any roads. Cody Strong said BLM is not closing any roads either including four wheeler and UTV trails.

Woody Woodcock stated that Monroe Creek Road will have people parking all along the road. What happens if a fire starts on the county right-of-way and goes onto to private land? Would they have to pay the County back? Matt said the County would still be responsible. Kirk said the person who started the fire would be the one responsible. Woody said that we would never know who really started the fire.

Tom does not think closing the roads will help. People would just go to another place.

Matt said there is no way to shut off the road to Steck Park because there would be a riot.

Kirk asked if they would have responders if landowners needed help keeping people off. Matt said yes until Monday, then they are not sure.

Delton suggested to look at I.C. 18-7011 for criminal trespassing regulations. He said to call the Sheriff and film people. But not to resort to force or it could lead to criminal charges. If they are able to identify people, they can put out warrants for them. Some may live far away and not care but others might.

A concern about Sunday night is people may come and park on private property without the owner's knowledge, then will be gone right after the eclipse.

August 14, 2017

Woody asked if a fire does start who takes authority for it, and can they be evicted off their own property. Matt Thomas, Sheriff said they have the authority to move people off the sides of the road or where ever they are. Delton said the property owner can choose to refuse a mandatory evacuation. Woody asked if the County was going to put up any more burn notices. They were told about the burn ban signs.

Tom said it is just an event that no one knows how to plan for. Matt said we asked for help but people want to stay in their own counties and protect them.

Matt asked who wants the road closed. No one responded verbally.

George asked about putting a panel up that was not locked and posting burn ban signs. Kirk said he was taking a risk if they closed the roads. They can put up burn signs except across the road to make it look like the road is closed. They have to be posted along the side of the roads.

Matt said under state statute a landowner can post entering private property, but it must have a sign when they leave saying they are back on public property.

Jack Walker asked if posting road closed signs could help even though they do not have people to patrol the places. He states he would not block the road but just post it. Tom said that is not fair to keep people off the property because they would just look for somewhere else on some other property.

Patty Chandler said she still does not understand why they cannot close roads if they stop them themselves? Kirk said you can tell them where private and public lands are and tell them to be cautious. The County has no personnel to man the areas.

Troy Mock said he would like to see it closed. He thought it may not do any good but possibly 25% people would not pass.

Matt said they have limited man power and are doing the best they can.

Kirk Chandler told everyone that if there is anything they can do besides close the roads to let them know.

Delton said man your private property and keep people off.

Larry Little, Jenkins Creek Ranch, said his advice is get license numbers and call law enforcement. Do not have a confrontation. Take a picture with cell phone. He said he has done a lot of posting.

Kirk thanked everyone for coming.

August 14, 2017

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board.

Delton said he has been in training all week. While he was gone, he researched the regulations to the road closures and he said it is a discretionary decision.

There was discussion regarding the Hometown Motors bill.

Delton discussed the audit contracts with Quest CPAs. He wanted a statement regarding the contract being renewed yearly. We will contact them and ask for the amendment.

IN THE MATTER OF JUVENILE PROBATION)

Dahlia Stender, Juvenile Probation, met with the Board.

Dahlia discussed the Juvenile Housing Agreement.

Kirk Chandler moved, seconded by Nate Marvin to approve the Juvenile Housing Agreement for 2017-18. Motion carried unanimous.

Dahlia updated the Board on the SUDS funding for Juvenile Probation.

IN THE MATTER OF PLANNING AND ZONING)

Rob Dickerson, Planning and Zoning Administrator, met with the Board.

Rob discussed using the back staircase for the prisoners to come through to court.

Rob said Donovan Gallager coming to give a quote for the cement for the handicap parking.

IN THE MATTER OF IT DEPARTMENT)

Glenn Tourville, IT Administrator, met with the Board.

Glenn discussed the life size video conference system at Magistrate Court is up and running. They need a sound card for it. Glenn has a bid of \$444.00 which includes parts and labor.

Glenn discussed various general IT issues.

Kirk asked Glenn to contact the Sheriff and see if he needs him here on Monday for the eclipse. Kirk asked that if he is not needed here that he be available by phone.

August 14, 2017

IN THE MATTER OF LUNCH)

Nate Marvin moved, seconded by Tom Anderson to recess for lunch at 11:51 a.m. Motion carried unanimous.

IN THE MATTER OF ROAD AND BRIDGE & SOLID WASTE)

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

Arlen discussed various road issues and projects.

Arlen discussed some T2 grader training with Adams County and offering our area as a training spot.

IN THE MATTER OF AMBULANCE)

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

Lorri Nakamura, Deputy Clerk, called roll call. Tom Anderson, present; Kirk Chandler, present; Nate Marvin, present.

Larry Colella, Ambulance Supervisor, met with the Board.

Larry presented payroll claims in the amount of \$16,776.17.

Larry said there were 20 calls for service last week with 4 transfers.

Larry discussed personnel numbers and hiring.

Kirk Chandler moved, seconded by Tom Anderson to approve Order No. 17-23 in the amount of \$16,776.17 in payment of payroll claims. Motion carried unanimous.

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.

Lorri Nakamura, Deputy Clerk, called roll call: Tom Anderson, present; Kirk Chandler, present; Nate Marvin, present.

IN THE MATTER OF SOCIAL SERVICES)

Lorri Nakamura, Social Services Deputy Clerk, met with the Board.

August 14, 2017

Kirk Chandler moved, seconded by Tom Anderson to go into executive session at 2:06 p.m. for indigent matters according to Idaho Code 74-206(1)(d) to consider records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code. Motion carried unanimous. Tom Anderson, Aye; Kirk Chandler, Aye; Nate Marvin, Aye.

Kirk stated they were out of executive session at 2:08 pm.  
Tom Anderson moved, seconded by Kirk Chandler to accept withdrawal of appeal on applicant 2017-39. Motion carried unanimous.

Motion by Nate Marvin, seconded by Tom Anderson and unanimously carried to recess at 2:11 p.m. until August 28, 2017 at 8:45 a.m.

---

Chairman, Board of County Commissioners

ATTEST:

---

Clerk