

Teton County Idaho Commissioners' Meeting Agenda
Monday February 13, 2017 9:00 am
150 Courthouse Drive, Driggs, ID – 1st Floor Meeting Room

9:00 MEETING CALL TO ORDER – Mark Ricks, Chair
Amendments to Agenda

PUBLIC WORKS – Darryl Johnson

1. Solid Waste
 - a. Arbor Day Coordination
 - b. Household Hazardous Waste Program
2. Road & Bridge
 - a. 2017 Road Summit – 4/10/17
3. Engineering
 - a. Approval of LHSIP State/Local Agreement for the S4500W Shoulder Widening Project
 - b. SH33 Gravel Pit Reclamation
 - c. Bates Road Boat Ramp Update
 - d. Pack Saddle Road Vacation Public Hearing Continued to 2/28/17
4. Public Works
 - a. Approval to Attend Land Surveyors Conference
5. Weeds
 - a. Approval to Purchase Spray Truck from Teton County WY

9:30 OPEN MIC (*if no speakers, go to next agenda items*)

10:00 PLANNING – Holly Wolgamott

1. Approval of Intergovernmental Agreement for Coordinated Review of Mass Gathering Events During the 2017 Eclipse
2. Eclipse Planning – Alan Allred
3. Department Update
4. Scheduling of Planning Administrator Interviews

IT/EMERGENCY MANAGEMENT – Greg Adams

1. Monthly Report
2. Computer Technology and Information Security Policy

11:00 TETON WATER USERS ASSOCIATION – Sarah Lien

1. Approval of Letter of Support for Grant Proposal

12:00 ELECTED OFFICIAL AND DEPARTMENT HEAD MEETING

1:00 TETON VALLEY HEALTH CARE – Keith Gnagey

1. TVHC Calendar
2. 2016 Quarter 4 Report

1:30 BUILDING ELIGIBILITY RIGHTS - Roger Brink

1. Mark C. Stewart and Deborah B. Stewart Trust

TREASURER – Beverly Palm

1. Approval of Tax Cancellation

CLERK – Mary Lou Hansen

1. Beer & Wine licenses, if any
2. Certificates of Residency
3. Executive Session per IC74-206(1)(d) for Indigent
4. Executive Session per IC74-206(1)(i) for a Risk Management Discussion on a Pending Claim
5. Claims
 - a. Executive Session per IC74-206(1)(f) for Legal Matters

EXECUTIVE ASSISTANT – Holly Wolgamott

1. Report
2. Approval of Policy Changes
 - a. Hiring Policy

b. LTI and PTO Policy

2:00 SHERIFF – Fred Hale

1. K9 Program Proposal
2. Taser Resale
3. Sheriff's Office Body Camera Deployment/Policy

2:30 COMMISSIONERS

3. Housing Authority Intergovernmental Agreement Work Session Scheduling
4. Discussion of Proposed Changes to Teton County Fee Schedule
 - a. Solid Waste Fee
 - b. Re-roofing Fee
 - c. Demolition Fee
 - d. Other Fees
5. Discussion of Proposed Changes to Sign Ordinance
6. Discussion of Proposed Changes to Dog Ordinance
7. Armory Ownership
8. Plans for March 13th Town Hall Meeting About Effects of Government on Business
9. Status for Legal Counsel on Solid Waste Fee Case
 - a. Executive Session per IC74-206(1)(f) & (a) for Legal Counsel on the Solid Waste Fee Case
10. Committee Reports
11. Approval of Appointments to Fair Board

3:30 UNIVERSITY OF IDAHO EXTENSION – Jen Werlin

1. Grant Writing Funding Request for Local Farmer's Market Promotion Program (FMPP) – Agricultural Marketing Service

ADMINISTRATIVE BUSINESS *(as time permits)*

6. Approval of Available Minutes
 - a. January 9 Regular BoCC Meeting
 - b. January 13 Special BoCC Meeting
 - c. January 18 Special BoCC Meeting
 - d. January 20 Special BoCC Meeting
 - e. January 23 Regular BoCC Meeting
 - f. January 23 Town Hall Meeting
7. Other Business

ADJOURNMENT

Upcoming Meetings

February 27 9:00 am Regular BoCC Meeting	March 13 9:00 am Regular BoCC Meeting	April 10 9:00 am Regular BoCC Meeting
February 28 9:00 Packsaddle Road Public Hearing Continuation	March 13 6:00 pm Town Hall Meeting	April 10 6:00 pm Town Hall Meeting – Road Summit
	March 27 9:00 am Regular BoCC Meeting	

2/01/17

PMO100 - PARCEL MASTER INQUIRY

09:33:36

PARCEL: 01 B0027202B470 A

CHECK CORE NUMBERS-RP
MOLLER, LARS
RICHARDS, ELIZABETH

LEGAL DESCRIPTION
LOT 47 PHASE 2B
MOUNTAINSIDE VILLAGE
MISSED ROLL 365 DAYS

PO BOX 1953
WILSON WY 830141
9131 MT OLIVER STREET

CODE AREA 2-0000 OWNER CD
PARC TYPE LOC CODE
EFFDATE 11032016 EXPDATE
PREV PARCEL

CAT/ST#	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
41 1	2016			163504				

TOTALS

163504

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

2/1/2017

Cancel

53,756 Value

Wrong OC Date

Bonnie Beach

163,504.00 +
53,756.00 -
109,748.00 =
109,748.00 x
0.010927799 =
1,199.30 =
0.006 +

\$587.40 total

*Cancellation of
\$1199.30*

293.70 each 1/2

total owing

\$ 587.40

2/09/17

TECHNICAL SUPPORT BUREAU
PMO080 - PARCEL MASTER ENTRY/UPDATE

10:41:41

PARCEL: OC 05N45E051203 A CM SP MS SW UR RPT HO CB REL PARC DD YO
 "X" to select> AX _ MH _ RC _ PP _ LD _ RI SL
 CHECK CORE NUMBERS-RP LEGAL DESCRIPTION
 SEAY, FRANK R TAX #5723
 SEAY, KIMBERLY T MISSED ROLL 178 DAYS

PO BOX 12

 TETONIA ID 83452
 3358 CACHE VISTA DR

CODE AREA 60000 OWNER CODE _____
 PARC TYPE _____ LOC CODE _____
 EFFDATE 11032016 EXPDATE _____

CAT SHEET	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
34	1	2016		130084	130084	65042		
TOTALS				130084	130084	65042		

F1=Help F3=Exit F4=Prmpt F5=Refrsh F6=Name F7=Lgl F8=Cat F9=Msc F24=More Keys

Cancel \$65,042 from
 Value for OC TAX HOE
 Dawson 2/9/17

$$\begin{array}{r}
 65042.00 \\
 \times .008327608 \quad \text{code 6 levy rate} \\
 \hline
 541.64
 \end{array}$$

Cancel \$541.64 which was the value
 of the unapplied Homeowner's Exemption
 not applied to the OC billing.

Certificates of Residency 2016 - 2017

Hernandez - Delgado Maria CSI



FROM: County Executive Assistant, Holly Wolgamott
TO: Board of County Commissioners
RE: Executive Assistant Update
MEETING: February 13, 2017

1. Salary Survey

According to the Salary Plan Administrative Guidelines Policy, Teton County shall conduct a formal salary survey every four years. (see policy excerpt attached). A formal salary survey has not been completed since 2009. In September of 2016, the BoCC approved the implementation of a salary survey for 2017. The County's Human Resources consultant, BDPA, has been working on this project with data collected from organizations that participate in the Northwest Data Exchange (NWDE). The NWDE provides information on participating government organizations' salaries and benefits each year. The salary survey analysis will include as many organizations as desired within the NWDE along with five other employers outside the exchange. BDPA recommendations are listed below:

From BDPA:

Below is the list of market employers we suggest for Teton County's upcoming compensation analysis. Although many of the counties are much larger and/or serve a community with a higher tax base, we thought it is important to consider their pay rates for external competitiveness purposes so that Teton County can attract and retain qualified employees on a local and/or regional basis, depending on the position. We also believe it will be helpful to include other "resort area" locations such as McCall, Jackson & Teton County, WY and Blaine County. Once we have compiled all the data and have run a full report, we can analyze the data to determine if some areas are possibly skewing the data by a significant amount, in which case, we may want to run a secondary report excluding some organizations to determine the impact.

We suggest (from the NWDE):

Counties of Fremont, Kootenai, Twin Falls, Bannock, Bingham and Bonneville;
Cities of McCall, Pocatello, Idaho Falls and Salmon; and, the Southern Idaho Solid Waste District

For the five additional employers outside the NWDE, we suggest, **Bozeman, MT, Madison County, ID, Teton County, WY, Jackson, WY and Blaine County, ID.**

Does the Board agree with the counties and cities suggested by BDPA for the salary survey? A list of all agencies participating in the NWDE is also attached to this report for your review.

2. ACCELA Software

- a. Our ACCELA project is on track and going very well. The submitters and approvers of agenda items will attend training on February 22nd from 1:00 – 3:00. Again, the Board is welcome to attend any training sessions. Just let me know if you are interested.

3. Employee Committee

- a. The employee committee meeting was postponed from February 1st to February 16th at 9:00 am. I will report anything necessary to the Board at the next meeting on February 27th.

4. ICRMP and Other Training

- a. Jim McNall from ICRMP has offered to do a Boards and Commissions training on the Open Meetings Act for all Board and Committee members in Teton County. As soon as I hear back from him on his availability, I will let you know. He is hoping to schedule it for some time in early March.
- b. I am working to schedule Google training with Greg Adams for the BoCC. I will let you know as soon as we have it scheduled.

5. Organizational Chart

- a. As requested, I have created two organizational charts. The first shows all staff led by the BOCC. The second shows all elected officials and their staff. Please let me know if you have any questions or need further information.

The salary structure design includes:

- Hiring range is 86-90% of market point
- Temporary/Seasonal Employees (who receive no benefits) may be hired at 91% of market point their first season and re-hired at 96% for subsequent seasons
- Range minimum is 86% of market point
- Proficient performance is 91 to 95% of market point
- Market Range is 96% to 110% of Market Point
- Consistent Superior Performance is 111 to 120% of Market Point

The market range represents the general average of what other employers are paying for similar jobs in the County's market area. The market area is defined as the area in which the county competes for qualified applicants and employees, understanding that it could be different for various types of jobs. It includes the local area, public and private employers, and counties of similar size and economic conditions within the regional area or state of Idaho.

The market range is a 15% range that is 5% below and 10% above the market point. It represents external competitiveness and will directly impact the County's ability to attract and retain qualified employees. At least every two years and preferably every year, the County will evaluate the need for a market adjustment to the pay structure to ensure it remains competitive in the market area. A market adjustment is an adjustment to the pay scale, not to individual salaries unless the individual falls below the minimum of the salary range.

With this salary structure, pay rate increases will be based on good, competent performance and consistency of performance over time. Longevity plays a very small part in pay recognition. While length of service often results in increased job knowledge and capability, the County will focus on how that knowledge, capability and skill is demonstrated through job performance.

The pay for performance philosophy provides an opportunity for every employee to receive increases based on individual performance. Increase amounts will be determined based on allocated and budgeted funds for performance increases.

PAY STRUCTURE REVISION

Salary ranges should be updated on a regular basis either annually or every other year to continue to reflect the County's market competitiveness.

The salary range updates are designed to relieve any upward pressure on range minimums, midpoints and maximums that may impede the County's ability to attract, motivate and retain its workforce. Updates to the salary structure are referred to as "Market Adjustments." *Market Adjustments differ from the common Cost of Living Increases because they are not automatic increases for employees.* The Market Adjustment will realign the salary pay ranges to competitive levels; employees will re-earn or gain their position in the updated range based on performance.

The salary structure is dynamic; it needs to be revised at regular intervals based upon market conditions to maintain the County's market competitiveness. The goal is to keep the structure's market rates on track with market data. As such, it is important for the County to continue to monitor market rates to attract and retain qualified employees. **The County shall conduct a formal salary survey based upon the established benchmark positions and labor market employers at least every four years. In the "off" years, it is advisable to contact market employers to obtain data on the market adjustments they will make to their salary schedules for an appropriate adjustment.**

Market adjustments will be applied to the salary schedule at least every two years.

The market adjustment will be built into a salary merit matrix (explained under "Merit Increases" below). The matrix is designed each year based on funding; it may provide for a market adjustment to the salary schedule and pay for performance increases to some employees.

MANAGING EMPLOYEE MOVEMENT THROUGH THE RANGE

The salary range, for administrative purposes, is divided into four target areas that are used in conjunction with objective performance appraisal procedures.

Target Area A is the Hiring Range (86-90% of market). This target area includes a 5% hiring range (from the minimum to 90% market ratio); it represents the pay rates for which applicants may be hired based on

NWDE 2016 Participants by Region

Region	Name	
1	<u>Bonner County</u>	Added 2017
1	<u>Coeur d'Alene</u>	
1	<u>Hayden</u>	
1	<u>Kootenai County</u>	
1	<u>Post Falls</u>	
1	<u>Rathdrum</u>	
1	<u>Sandpoint</u>	
2	<u>Latah</u>	
2	<u>Lewiston</u>	
2	<u>Moscow</u>	
2	<u>Nez Perce County</u>	
3	<u>Ada County</u>	
3	<u>Ada County Highway District</u>	
3	<u>Boise</u>	
3	<u>Caldwell</u>	
3	<u>Canyon County</u>	
3	<u>COMPASS</u>	
3	<u>McCall</u>	
3	<u>Meridian</u>	
3	<u>Mountain Home</u>	
3	<u>Nampa</u>	
4	<u>Jerome</u>	
4	<u>Southern Idaho Solid Waste</u>	
4	<u>Twin Falls</u>	
4	<u>Twin Falls County</u>	
5	<u>Bannock County</u>	
5	<u>Bingham County</u>	
5	<u>Chubbuck</u>	
5	<u>Pocatello</u>	
6	<u>Bonneville County</u>	
5	<u>Freemont County</u>	Added 2017
6	<u>Idaho Falls</u>	
6	<u>Salmon</u>	
6	<u>Teton County</u>	
7	<u>Clarkston, WA.</u>	
7	<u>Logan, UT</u>	
7	<u>Missoula</u>	
7	<u>Pullman, WA.</u>	
7	<u>Salt Lake City</u>	
7	<u>Spokane</u>	
7	<u>Spokane County</u>	



Hiring ~~New~~ Employees Policy

The following steps must be utilized by every Elected Official, ~~and~~ Department Head, or Hiring Official when hiring employees, ever a new employee is hired.

POSITION JUSTIFICATION

- Vacancies ~~created by the resignation or retirement of a current employee~~ cannot be filled without ~~prior consultation with the County Commissioners to~~ verify that the current Departmental workload has not changed and that the current status of the County budget will allow the vacancy to be filled.
- Review the approved ~~j~~Job ~~d~~Description for the position you need to fill. If the ~~j~~Job ~~d~~Description is no longer accurate, work with the County ~~Clerk~~ Executive Assistant to have the Job Description updated by the ~~county's~~ County's Human Resource consultant.
- Refer to the most current Pay Grade Chart to determine the pay grade for the position you need to fill.
- Refer to the current Salary ~~Schedule~~ Plan Administrative Guidelines to determine the ~~h~~Hiring pay rate for the vacant position (86-90% of the Market Point). In general, the salary for all newly hired employees will be 86% of the Market Point.

RECRUITMENT PROCESS:

- Internal Hires: It is acceptable to internally hire or promote existing County employees to an open position by first following the steps listed above. If hiring from County employees outside your department, advertise the position to all employees via email. Interested employees should apply for the position by submitting an application and any other required documentation as defined by the job advertisement. Interviews of qualified applicants should follow the interview process defined below.
- External Hires: If hiring outside the County, you must first follow the steps listed above and then advertise by posting the position on the Teton County website, Teton County Facebook page, the Jackson Hole News and Guide and the Teton Valley News for a minimum of one week. Follow your departmental policies to advertise, interview and select your new employee. If a new employee will be hired (rather than promoted from within your department), you must notify the payroll clerk, who will post the position. ~~the position must be posted on the county website, and send an email notice of the posting to all county employees.~~ It is also advisable to post certain jobs on professional websites that apply to the position advertised.

APPLICATION REVIEW PROCESS

- Review all applications and determine how many applicants to interview. It is recommended to interview all applicants who meet the minimum qualifications.
- If you do not receive qualified applicants, it is recommended to extend the deadline and advertise again for the position.
- If you receive an overwhelming amount of applicants with a majority meeting the minimum qualifications, it is permissible to increase the minimum qualifications, extend the deadline, and advertise for the position again.

INTERVIEW PROCESS

- Determine who will be involved in the hiring process. It is advisable to always have more than one interviewer present in each interview.
- Develop a list of questions that will be asked to every person interviewed. During a given interview, certain responses may lead to other interview questions that apply only to that individual. Guidelines for developing appropriate interview questions may be accessed on the Teton County server.
- Once interviews are complete, interview notes -should be ~~filed~~ sent to the County's Risk Manager, and kept as a - They will be kept on file as a confidential County record for 4 years at which time they ~~should~~ will be properly destroyed in compliance with the State of Idaho Records Retention Schedule.

JOB OFFER PROCESS

- After interviews are complete an offer of employment may be made to the top candidate subject to the results of any job related specific exams, reference checks, background checks or pre-employment drug and alcohol screening. Positions that require background checks and pre-employment drug and alcohol screening are indicated in the corresponding job description. ~~are~~ Road and Bridge Drivers required to carry a commercial driver's license, Heavy Equipment Operators, Sheriff's department staff??
- Teton County will accord a preference for employment to veterans of the U.S. Armed Services in accord with provisions of Idaho Code § 65-502 or its successor. In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to Idaho Code § 65-502 or its successor will be offered employment.
- Once screening is complete, an official offer may be made based on the following:
 - If your new employee will earn 86% or less of the Market Rate, and if you are certain that your budget includes funding for the position, you may make an offer contingent upon completing the Supervisor's Portion of the Payroll Form and obtaining an approval signature from one of the County Commissioners.
 - A newly-hired employee may not be offered a salary greater than 86% of the Market Point without prior written approval from the Board. If you believe that your new employee should receive a starting salary greater than 86% of the Market Point due to his/her special qualifications, experience, and/or education, you must write a brief explanatory memo to the Board. Your memo will be reviewed and discussed during a regular meeting.
- Once an applicant has accepted the position, notify all applicants that the job has been filled. Sample rejection letters may be accessed on the Teton County server.
- After an employee accepts a position, deliver the Payroll Form to the Payroll Office within 5 working days so payroll becomes aware that a new employee has been hired and can be prepared on their initial date of employment. Schedule time during the new employee's first week of work to go through the orientation process with the Payroll Clerk.
- Be sure your newly hired employee completes all required payroll forms at least 7 days prior to the date of their first paycheck.

● **MOTION.** Chairman Leake made a motion to hire an Eclipse Coordinator for \$38 per hour provided the total gross salary does not exceed \$50,000. Motion seconded by Commissioner Riegel and carried.

ADMINISTRATIVE

EXECUTIVE ASSISTANT REPORT. The Board discussed changes to the County's Paid Time Off and Long Term Illness policies proposed by the Employee Committee and summarized in Holly Wolgamott's report (Attachment #10). They decided to increase the allowable PTO carryover to 120 hours while making no other changes to that policy. The LTI policy will be replaced with a Sick Leave policy but with the same accrual rates and maximum number of hours, but adding a new provision giving newly hired employees 24 hours of sick leave at the start of their employment. Clerk Hansen and Ms. Wolgamott will red-line the desired changes for approval at the next meeting.

COMMITTEE REPORTS. Chairman Leake gave Commissioner Riegel a list of Council of Government items. He said it would be very beneficial to continue the monthly COG meetings and perhaps make a written record of the discussion so that every Council Member and Commissioner could be aware of the topics and conversations. Chairman Leake described the disagreement with two of the state's seven health districts regarding allocation of state funds to regional health districts. As chair of the Eastern Idaho Public Health District, he has been involved in correspondence hoping to resolve the issue without involving the state legislature.

RAISE FOR SHERIFF EMPLOYEE. The Sheriff's Administrative Manager of Operations requested a mid-year raise for his new Administrative Specialist due to the fact that she had completed her probationary period and become proficient. The Board was reluctant to approve the raise since no other County employees receive mid-year raises, except raises given dispatchers or deputies after obtaining POST-certifications.

● **MOTION.** Chairman Leake made a motion to approve paying the Sheriff's Administrative Specialist 91% of the market rate. Motion seconded by Commissioner Riegel and carried unanimously.

EXECUTIVE SESSION

● **MOTION.** At 1:20 pm Chairman Leake made a motion for Executive Session to discuss legal matters pursuant to IC 74-206(1)(f). Motion seconded by Commissioner Riegel and a roll call vote showed all in favor. The Executive Session ended at 2:49 pm.

● **MOTION.** At 2:50 pm, Chairman Leake made a motion to recess the meeting until 11:30 am on Tuesday, January 3 in order to hold another Executive Session to discuss legal matters. Motion seconded by Commissioner Riegel and carried unanimously.

Board of County Commissioners: January 3, 2016 Continuation Meeting

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

COMMISSIONERS PRESENT: Bill Leake, Cindy Riegel, Kelly Park

OTHER ELECTED OFFICIALS PRESENT: Clerk Mary Lou Hansen, Prosecutor Kathy Spitzer

Chairman Leake reconvened the meeting at 11:32 am.

EXECUTIVE SESSION

● **MOTION.** At 11:33 am Chairman Leake made a motion for Executive Session to discuss legal matters pursuant to IC 74-206(1)(f). Motion seconded by Commissioner Park and a roll call vote showed all in favor. The Executive Session ended at 1:27 pm.

Employee Committee Report – December 2016

Employee Committee Analysis of Sick Leave, LTI, PTO, Parental leave, and FMLA

The Employee Committee was asked to evaluate whether Teton County jobs are competitive with other similar organizations. A salary survey is currently in progress with BDPA and will be complete by the spring of 2017. As a supplement to the survey, the committee agreed to also analyze Paid Time off, Sick Leave, Parental Leave, and FMLA benefits from 13 Idaho and Wyoming governments (Cities of Driggs, Victor, Twin Falls, Boise, Moscow, Burley; Nez Perce, Canyon, Kootenai, Fremont, Madison Counties; the State of Idaho, and Jackson and Teton County WY). The results are as follows:

- On average, these local governments offer 10-13 days of Paid Time off (PTO) per year for the first 5 years.
- Organizations offer between 96 -104 hours (12-13 days) for sick leave per year. Carryover of that leave varies by organization from no carry over up to 960 hours of carry over.
- 9 of 13 of these governments offer some type of leave donation program as well as some kind of bereavement leave.
- City of Boise offers up to 6 weeks paid parental leave. It was the only government in the sample to offer paid maternity/ paternity leave.

Compared to Current Teton County Leave Benefits:

- 13 days PTO for the 1st 5 years.
- 3 days Long Term Illness (LTI) per year for first 5 years, 5 days per year thereafter. LTI accrued over 120 hours can be credited toward PTO.
- No leave donation program.
- Up to 24 hours of LTI can be used as bereavement leave.
- No paid parental leave.

Proposed Changes to the PTO and Sick Leave Policy

- Keep PTO accrual the same but allow employees to carryover 120 hours per year.
- Alter the LTI policy to just become true Sick Leave eliminating the requirement of using 2 days of PTO before being allowed to use Sick Leave Hours.
- When hired, give employees 24 hours of sick leave and then allow accrual of sick leave at the current rate for their first year. All subsequent years, employees would continue to accrue sick leave at the same rate until they reach 120 hours. At that time, sick leave could then be transferred over to PTO, as the current policy allows.
 - This would mean that employees who do not use their sick leave would reach 120 hours one year faster than the current plan.
 - Maximum PTO carryover would keep the policy manageable and would not cause a significant fiscal impact to the County.

PTO/Sick Leave Analysis for Government Organizations in Teton County's Region

Organization	PTO Hours Per Year	PTO Carryover	Sick Leave Hours Per Year	Sick Leave Carryover	Paid Holidays	Buyout at Employment Separation
Teton County Idaho						
			LTI			
Date of Hire - 5 yrs	104	80	24	120	11	PTO is bought out as a lump sum at current hrly rate
After 5 yrs	136	80	40	120	11	
After 10 yrs	168	80	40	120	11	
City of Victor						
Date of Hire - 3 yrs	72	168	96	all carries over/no cap	10	168 hours buyout
After 3 yrs	96	168	96	all carries over/no cap	10	
After 10 yrs	120	168	96	all carries over/no cap	10	
City of Driggs						
Date of Hire - 2 yrs	40	120	40	120	10	40 hour buyout
After 2 yrs	80	120	80	120	10	40 hour buyout
After 5 yrs	120	120	120	120	10	40 hour buyout
Teton County WY						
Date of Hire - 4 yrs	80	240	96	480/672	11	PTO is bought out as a lump sum at current hrly rate
After 4 yrs	120	240	96	480/672	11	
After 9 yrs	160	240	96	480/672	11	
Town of Jackson						
Date of Hire - 5 yrs	92	PTO, sick and vacation are all one pool of hours. Buy out is 40 hours per year if hours are left	48	PTO, sick and vacation are all one pool of hours. Buy out is 40 hours per year if hours are left over	11.5	Only 40 hour buyout if employee has been there 1 year.
After 5 yrs	102		48		11.5	
After 10 yrs	122		48		11.5	
After yr 15	162		48		11.5	
Madison County						
Date of Hire - 5 yrs	40	200	48	200	11	Max of 256 hours
After 5 yrs	80	200	48	200	11	Max of 256 hours
After 10 yrs	120	200	48	200	11	Max of 256 hours
State of Idaho						
0 - 10,400 hrs service (5 yrs)	96	192	88.8	unlimited	10	All vacation leave is paid out upon separation of employment
10,401 - 20,800 hrs service (10 yrs)	119	240	88.8	unlimited	10	
20,801 - 31,200 hrs service (15 yrs)	143	288	88.8	unlimited	10	
31,201 + (15 yrs)	169	336	88.8	unlimited	10	
Canyon County						
Date of Hire - 5 yrs	80	240	104	480	11	All vacation leave is paid out upon separation of employment
After 5 yrs	120	240	104	480	11	
After 10 yrs	156	240	104	480	11	
Kootenai County						
Date of Hire - 5 yrs	104	all	96	960	10	All vacation paid out. % of sick leave paid out based on years of service
After 5 yrs	156	all	96	960	10	
After 10 yrs	208	all	96	960	10	
Fremont County						
Date of Hire - 5 yrs	96	256	Included w Vacation	256	11	All vacation leave is paid out upon separation of employment
After 5 yrs	192	256	Included w Vacation	256	11	
After 10 yrs	216	256	Included w Vacation	256	11	
City of Twin Falls						
Date of Hire - 5 yrs	80	144	80	560	11	All vacation/sick leave paid out at separation
After 5 yrs	96	144	80	560	11	
After 10 yrs	120	144	80	560	11	
City of Boise						
Date of Hire - 5 yrs	96	unknown	96	unknown	10	unknown
After 5 yrs	119	unknown	96	unknown	10	unknown
After 10 yrs	143	unknown	96	unknown	10	unknown
City of Moscow						
Date of Hire - 5 yrs	96	240	96	960	12	All vacation and sick leave is paid out at separation
After 5 yrs	120	240	96	960	12	
After 10 yrs	144	240	96	960	12	
City of Burley						
Date of Hire - 5 yrs	96	192	96	unlimited	11	All vacation and a fraction of leave paid out at separation
After 5 yrs	120	192	96	unlimited	11	
After 10 yrs	144	192	96	unlimited	11	
Nez Perce County						
Date of Hire - 5 yrs	96	240	96	unlimited	11	All vacation and 30% of sick leave paid out
After 5 yrs	12	240	96	unlimited	11	
After 10 yrs	144	240	96	unlimited	11	

1. Paid Time Off (PTO)

Paid Time Off is available to all qualifying Regular Employees (Salaried & Hourly) according to the schedule shown below. PTO provides an employee with more flexibility to use his/her time off to meet personal needs, while recognizing an employee's individual responsibility to manage such absences. Each employee will accumulate a specified amount of PTO each pay period, and the employee is able to determine how to use those hours: for vacation, illness, caring for children, school activities, medical/dental appointments, personal business or emergencies. The amount of PTO earned will depend on the employee's length of service with the County. Employees will not accrue PTO while on leave of absence or suspension by the County. The amount of PTO earned by exempt employees may be subject to negotiation.

Years of Service	PTO Accrual (per year)	PTO Accrual (per bi-weekly pay period)
0-5 full years (60 months)	13 days	.50 day
After completion of 5 full years	17 days	.66 day
After completion of 10 full years	21 days	.81 day

A "day" of PTO equals 1/5 of the hours worked by an employee during their *typical* work week, with an 8-hour maximum. For example, a 35-hour employee will earn thirteen 7-hour days of PTO (91 hours), while a 40-hour per week employee will earn thirteen 8-hour days (104) hours. PTO begins accruing on the first day of a new employee's first full pay period. PTO stops accruing if an employee takes an unpaid leave of absence or is placed on any type of administrative leave. PTO accrues on a bi-weekly basis.

At the end of the fiscal year, any PTO in excess of ~~80~~120 hours will be forfeited, without right of compensation. PTO forfeiture will be calculated on the paycheck that includes all hours worked through September 30. This rule may be subject to an exception upon written permission of the responsible department head or elected official, and the Board of County Commissioners, which must be obtained prior to the end of the fiscal year and cannot be obtained in two consecutive years. No PTO hours may be used before they are accrued.

Whenever possible, use of PTO must be scheduled in advance with consent of the responsible elected official or department supervisor. In the absence of any timesheet notations to the contrary, PTO hours will be utilized if Comp hours do not exceed 40. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first priority will be the orderly functioning of affected departments. Upon separation from employment, unused PTO will be compensated by a lump-sum payment at the then-current hourly rate or salary. The PTO lump-sum payment will be included in the final paycheck received by the employee for hours actually worked.

2. ~~Long Term Illness (LTI)~~Sick Leave

~~Long Term Illness~~Sick Leave is available to all qualifying Regular Employees according to the following schedule:

Years of Service	LTI Accrual (per year)	LTI Accrual (per bi-weekly pay period)
0-5 full years (60 months)	3 days	.12 day
After completion of 5 full years	5 days	.20 day

A "day" of ~~LTI~~Sick Leave equals 1/5 of the hours worked by an employee during their *typical* work week, with an 8-hour maximum. For example, a 35-hour employee will earn three 7-hour days of ~~LTI~~Sick Leave (21 hours), while a 40-hour per week employee will earn three 8-hour days (24) hours. ~~Newly hired employees will be credited three full days of Sick Leave on their first paycheck. LTI~~Sick Leave will continue to accrue on following paychecks according to the schedule above. begins accruing on the first day of a new employee's first full pay period. LTI~~Sick Leave~~ stops accruing if an employee takes an unpaid leave of absence or is placed on any type of administrative leave. ~~LTI~~Sick Leave accrues on a bi-weekly basis.

Sick Leave is a benefit providing relief for the employee in the event of illness of the employee or his/her immediate family. Sick Leave is to be used only in the event of an illness or injury that prevents the employee from working productively or safely, or if the illness of an immediate family member presents no practical alternative for necessary care. A request for Sick Leave must be made within a reasonable time. Any employee suspected of abusing the Sick Leave policy may be asked to provide a physician's note and/or may be subject to discipline, up to and including termination.

Sick Leave may be used by an employee to attend medical, optical or dental appointments for themselves or for a member of their immediate family. Sick Leave may also be used to attend the funeral for a member of the employee's immediate family.

"Immediate Family" shall mean and be limited to: spouse or domestic partner, natural and adopted children, step-children, foster-children, parents, step-parents, siblings, step-siblings, grandparents and grandchildren.

There is no limit on the number of hours of Sick Leave that may be accrued. However, an employee with at least 120 hours of accrued Sick Leave may choose to accrue additional PTO hours at the Sick Leave accrual rate, rather than continuing to accrue additional Sick Leave hours. Employees wishing to exercise this option must provide written notice to the Payroll Office. In lieu of such written notice, Sick Leave hours will continue to accrue and cannot later be converted to PTO hours. In case of employee termination or loss of full time status, the employee will forfeit all accrued Sick Leave hours.

If an employee uses Sick Leave because of an illness or injury compensable under the Workers' Compensation Law, the employee shall reimburse the county for any Workers' Compensation payments received for the days paid with Sick Leave hours.

~~LTI may be used after an injury, illness or pregnancy requires an employee to miss more than two consecutive scheduled work days. An employee must miss at least two thirds of a scheduled shift to be considered a missed work day for this purpose. However, after an illness lasting long enough to qualify for use of LTI hours, or after surgery, the employee may return to work on a part time basis and continue using LTI hours while recuperating. The part time use of LTI hours may continue no longer than 30 days after the employee returns to work on a part time basis. The supervisor, elected official or Board of County Commissioners may require documentation~~ This page was updated on 11-12-13, 11-23-15 & 7-25-16. ~~may not be used for days the employee was not scheduled to work.~~

~~Whenever an employee uses LTI, their timesheet must include a brief note stating why the time off qualified as LTI. If LTI hours are used by an employee who has not missed two consecutive scheduled workdays, the notation must provide sufficient detail to justify the use of LTI. If LTI hours are used due to bereavement, or the illness or injury of a member of the employee's "Immediate Family," the written notation must include the family member's name and relationship to the employee. (All health information provided to substantiate appropriate use of LTI hours will remain confidential.)~~

~~If required notations are not provided, hours will be paid from PTO or Comp Time, until documentation is received.~~

~~If an employee is hospitalized overnight, gives birth or takes maternity leave, undergoes outpatient surgery, or has an on-the-job injury reported to Workers Comp, the employee may begin using LTI hours immediately. Under all other circumstances, the first two days of missed work will be unpaid, or paid with PTO or Comp hours.~~

~~LTI hours may also be used by an employee who misses work due to the illness or injury of a member of the employee's "Immediate Family" or if a member of the employee's "Immediate Family" has given birth. The same two-day waiting period will apply, except in cases of hospitalization, hospice care, birth or surgery, as outlined above, or if the immediate family member is receiving hospice care. LTI hours may be used on a part time basis by an employee helping an immediate family member to recuperate from a serious illness or injury. The part time use of LTI hours must end within 30 days of the date the family member was released from the hospital.~~

~~—Up to 24 LTI hours may be used, without the two-day waiting period, to attend the funeral of a member of the employee's Immediate Family.~~

~~—Immediate Family is hereby defined to include:~~

- ~~•Spouse or domestic partner~~
- ~~•Parent or step-parent of employee or spouse/domestic partner~~
- ~~•Legal guardian or person for whom the employee or spouse/domestic partner is the legal guardian~~
- ~~•Child or step-child of employee or spouse/domestic partner~~
- ~~•Sibling or step-sibling of employee or spouse/domestic partner~~
- ~~•Grandparent or step-grandparent of employee or spouse/domestic partner~~
- ~~•Grandchild or step-grandchildren of employee or spouse/domestic partner~~
- ~~•Relative living in the employee's household~~

~~—No more than 120 hours of LTI time may be accumulated. Any employee with 120 hours of accumulated LTI will stop accumulating additional hours until the balance drops below 120 hours. In lieu of additional LTI hours, employees with 120 hours of accumulated LTI will accrue additional PTO hours at the LTI accrual rate. In case of employee termination or loss of full-time status, the employee will forfeit all accrued LTI hours.~~

~~—If an employee uses LTI because of an illness or injury compensable under the Workers' Compensation Law, the employee shall reimburse the county for any Workers' Compensation payments received for the days paid with LTI hours.~~

3. Holidays

Eleven official holidays are provided for all Regular Employees. In addition, when Christmas Eve falls on a Monday, Tuesday, Wednesday or Thursday, all Regular Employees will receive *a half day* "Christmas Eve Holiday." A "day" of Holiday pay will equal 1/5 of the hours worked by an employee during their typical work week, with an 8-hour maximum. This means that a 35-hour per week employee will receive a 7-hour paid holiday while a 40-hour per week employee will receive an 8-hour paid holiday. County holidays shall be observed on the same day as observed by the Federal government. The holiday schedule may be changed at any time by the Board of County Commissioners. Employees become eligible for Holiday pay after their first day of work.

Employees utilizing accrued LTI-Sick Leave or PTO shall receive holiday pay for holidays which occur during their absence. Holiday pay is not available for employees on leave of absence, FMLA leave, or any type of administrative leave.

If their departmental budget includes funds earmarked for holiday pay, public safety employees required to work on holidays may choose This page was updated on 4-23-12, 10-29-12, 11-10-14, 11-23-15 & 10-24-16. in addition to being paid for the hours actually worked on the holiday. If an eligible employee desires to receive Holiday pay instead of Comp Time, they must make a written notation on their timesheet. If such a notation is absent, the holiday hours will be accrued as Comp Time.

All employees required to work Christmas Day shall be paid time and a half for the hours actually worked on that day. Recognized holidays are:

- | | |
|--|----------------------------|
| New Year's Day | Columbus Day |
| Martin Luther King, Jr./Human Rights Day | Veteran's Day |
| Presidents' Day | Thanksgiving Day |
| Memorial Day | Day After Thanksgiving Day |
| Independence Day | Christmas Eve Half-Day** |
| Labor Day | Christmas Day |

**When Christmas Eve falls on a Monday, Tuesday, Wednesday or Thursday, all non-essential public service offices shall close at 1 pm, unless the responsible elected official determines they shall remain open. All county employees shall receive an extra one-half day of holiday pay.

4. Leave of Absence

Teton County defines a leave of absence as a minimum of one full working day taken off without pay. If an employee takes time off for less than one full working day, PTO, LTI-Sick Leave, or Comp Time must be used. No unpaid leave of absence may be taken unless the employee has used all their PTO and Comp Time, and all their Sick Leave-LTI (if applicable), except in case of an injury covered by workers



2017 TCSO K9 Program Initiation Budget Proposal

- ~\$17,268 from the Drug Forfeiture Fund (of which \$7,500 is for K9 purchase).
- Requesting **\$3000** K9 annual expenditure budget beginning in **FY 2018**

Narcotics Detection K9 Necessity in Teton County

- TCSO has not had an agency-owned drug dog since 2008
- Currently borrowing K9 teams from neighboring agencies & ISP, usually for search warrants of residences, when possible
- Unable to use borrowed K9 teams for traffic stops or consent searches, due to time constraint coming from out of county
- Contributing teams generally conduct only a once-a-year sweep of the schools, during which illegal drugs and drug equipment is regularly found
- We have received numerous citizen reports of drug dealing, manufacturing, and possession, including heroin and meth, but we are unable to get probable cause to search suspects or their vehicles without the invaluable tool/investment an in-county K9 team represents

K9 Necessity/Benefits (cont'd)

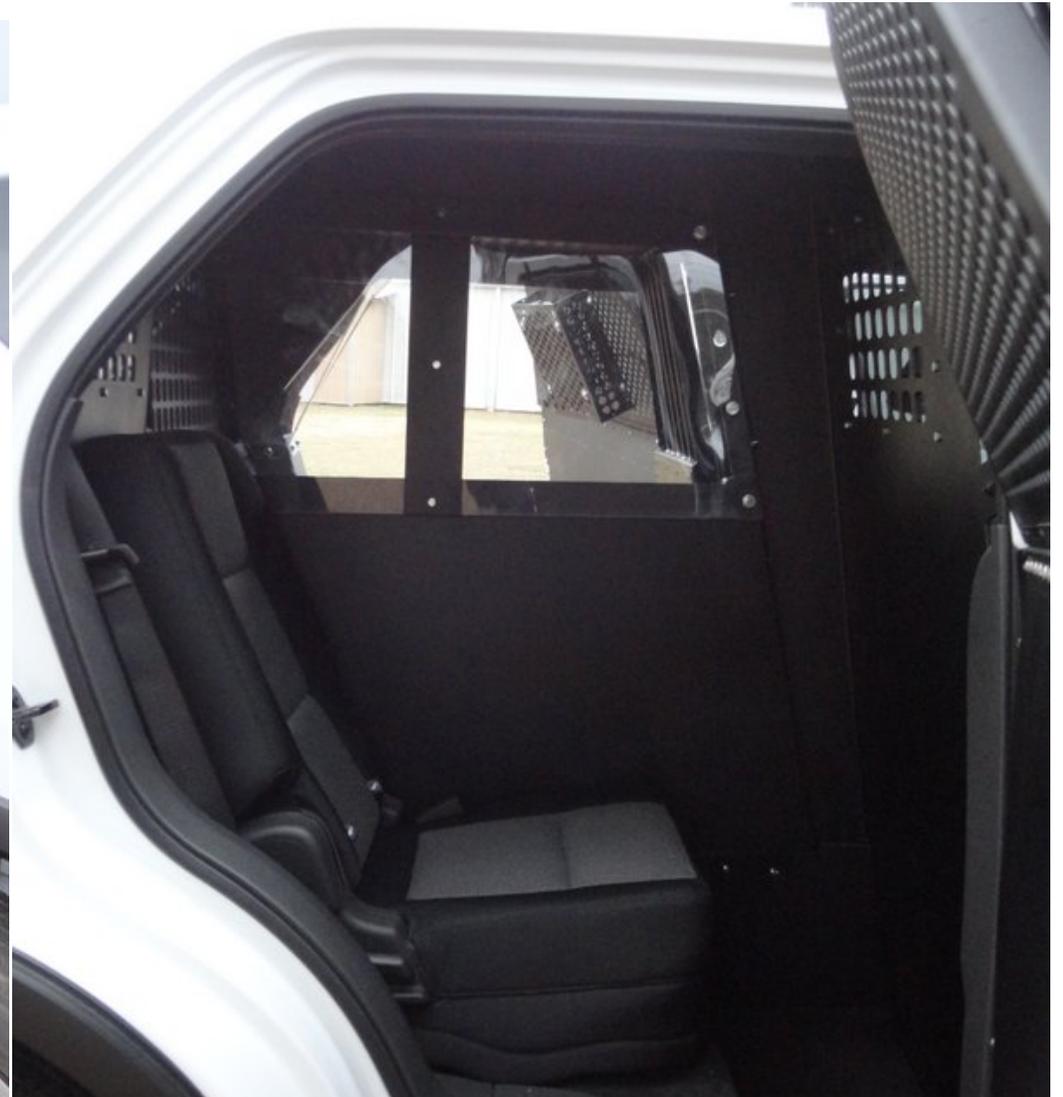
- Teton County Coroner investigated a heroin-related unattended death just last month, in Victor.
- From a recent Post Register article: The Bannock County Sheriff's Office said Southeast Idaho's heroin problem is due to the street price for pain medications going up. Heroin became the alternative since it's cheaper, easier to get and gives a similar high.
- Search Warrant Execution much more efficient, when searching for illegal substances, vehicle searches generally less invasive.
- Drug Seizure forfeiture funds, vehicles, and items seized during drug searches are controlled by Prosecutor's Office can be used for additional equipment & training specific to counter-narcotics efforts.

Alabama K9 Academy

Total ~\$2700

- 4-week-long Detection K9 Academy scheduled once every 5 weeks
- ~\$800 Handler Meals
- ~\$400 fuel
- **\$1500** Detector Handler Academy from Drug Forfeiture FUND (room and kennel costs included)

K9 Vehicle Installation: **~\$3,000** (over & above current installation cost)
- Premier Vehicle Installation (Drug Forfeiture Fund)



~\$2100 Uniform & Equipment Items (Prices quoted from Elite K9 and Ray Allen K9/Lowes):



Patrol Harness/Collar: \$115



Harness Patches
/Pins : \$50



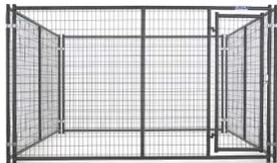
K9 Badge/Holder: \$70



Leashes: \$40



Muzzle: \$50



10x10
Backyard kennel: \$300



Non-skid Dog Bowls: \$22



Portable Kennel: \$130



MOLLE K9 First Aid Kit: \$300



2x Pelican air-tight portable 6-jar
drug storage: \$240



Grooming Items: \$30



Drug Training Aids \$700



Bed \$50

Total ~\$17,268 from Drug Forfeiture Fund*

(current balance = \$17,834)

- Items Shipping: ~\$120
- NPCA Dues: \$40
- IPCA Dues: \$50 }=~\$**368**
- Testing: ~\$150
- County Dog License \$7.50

+ \$2,100 Total Equipment/Trng Items
+ \$3000 New Vehicle K9-Specific Installation
+ \$1600 in K9 maintenance (see next slide)
+ \$2700 Academy & Travel
+ \$7,500(quoted purchase price of K9)

*Prosecutor Billie Siddoway controls this fund and has approved its use for this purpose—just need Commissioner approval to make purchase(s).

\$3,000 Proposed 2018 K9 Budget (Based off TCSO Wyoming Budget #s):

- Dog Food and Supplements \$1,000.00
- Vet and Vet Supplies \$850.00
- Mandatory Certification and Dues \$250.00
- Boarding \$900.00

Planning to use ~\$1600 from drug forfeiture fund for remainder of FY 2017

\$7,500 K9 Purchase (Alabama K9, recommended by surrounding Agencies and Handlers)

- Will need Commissioner approval for using other line item to pay for purchase.
- K9 comes with a 1-year full health warranty, all shots, and fully-trained for Drug Detection and obedience.
- K9 also comes with 100% lifetime working guarantee.
- K9s are Belgian Malinois.
- Website: alcanine.com
- Handler will observe/pick from selection of trained K9s prior to beginning of training academy.

Alabama K9 Endorsements (Just a few examples)

- Shelley PD Sgt Kent Swanson & his K9, Magnum, won 2nd in 2016 Idaho Police K9 Association Narcotics Identification Competition
- **Reggie Sutton**, Birmingham Police Dept. “This is my third dog from Ricky Farley. I have handled a patrol dog for almost 15 years and would not consider a dog from any other provider. My previous dog had over 75 apprehensions and was as genetically sound as any top kennel in the world could provide. Beautiful facility. Great staff and learning environment. Thanks again, Ricky.”
- **Scott Reneau**, Tunnel Hill Police Department I.C.E. Unit “Just finished attending K9 training at Alabama Canine. We had only been back a week and a half, "Vinni" indicated on a car and we located \$11,000. It took 8 days for "Vinni" to pay for himself. I had a great month of training with Rickey and learned more than I ever thought I would. I look forward to going back for recert next year.
- **Brandon Thrower**, Coweta County, GA From what I have observed, Alabama Canine has by far the best training and quality of canine to offer.
- Some of the large departments that receive dogs from Alabama K9 include:
The United States Border Control, The Immigration and Naturalization Service, The Department of Energy, The City of Washington, D.C., Alabama State Troopers, Georgia State Troopers, Montgomery County Sheriff’s Department, and the Maryland State Troopers.

MAKOR K9 QUOTE Comparison Quote

(Locally recommended Napa, CA company)

May 12, 2016,
Officer Tyson Gunderson
Teton County Sheriff's Office
230 N Main Street
Driggs, ID 83422

QUOTE # 05122016-1

QUOTE

TYPE: Drug Detection Canine

BREED Malinois/Male-Female

RESPONSE: Passive MAKOR K9 Enhanced Hunt™ Indication

ODORS: Cocaine/Meth/Heroin/Marijuana

COSTS: K9 Acquisition and Pre-training\$ 9000.00

SHIPPING

&

DESTINATION

CHARGES:.....\$ 1200.00

NARCOTIC DETECTION K9 HANDLER ORIENTATION COURSE

TRAINING: Ten (10) days handler orientation in and about Teton County,

ID exact date(s) to be determined.....\$ 5000.00

(Estimated July subject to K9 procurement.)

PER DIEM: Ten (10) days MAKOR K9 Staff Trainer Per Diem.....\$ 1700.00

TOTAL \$ 16900.00

Payment is appreciated at the time of order

ISP Canine 2004 Cost Proposal (for comparison)

Ref: <https://www.isp.idaho.gov/pgr/Research/documents/k9s.pdf>

Table 1. Items Needed for a Successful K-9 Program

Item	Average Cost Based on Estimates
1. Dog, plus dog and handler training (room, board and travel included)	14,198.00
2. Vehicle kennel, fan, tinted windows etc. (depends on if outfitting car or truck)	2,191.00
3. Kennel and dog house for home (with cement pad)	929.45
4. Yearly supply of food per dog (high quality)	311.25
Vet bills per year if there are no major problems	406.25
5. Bite suit for patrol dogs	1,522.00
6. Muzzle for patrol dogs	225.00
7. Bite sleeve	186.93
8. E-collar for patrol and some narcotics dogs	439.00
9. Leash, collar, tracking equipment, toys, food bowl	1,014.90
10. Video system for car	2,566.67
	Total 23,990.45

QUESTIONS?



FHALE@CO.TETON.ID.US



April 15, 2016

Dear Commanding Officer:

The TASER X26 was the patrol officer's vital tool for over 10 years, but on Dec. 31, 2014 the X26 was discontinued, and now you can no longer get service on out of warranty units. *The good news...* We pay you MUCH more as an outright purchase for the TASER X26 than was ever allowed on a trade-in. In fact, we guarantee to beat any trade-in offer and any advertised price from any law enforcement TASER Dealer.

After many years as a TASER Dealer, a TASER International executive referred a large law enforcement agency to us with the request that we purchase all of their used TASER X26 units. That established us in the secondary market, so we are no longer affiliated with TASER International and now specialize exclusively in closeouts and refurbished TASER products. Our lucrative purchase offer makes it more affordable for you to purchase new TASER products from your dealer or the manufacturer.

Don't wait until your TASER X26 units are no longer working. Sell them to us now while they still have value at a guaranteed price. This is truly the fastest, easiest and most reliable way to make your transition to the new TASER models much more affordable.

U.S. law enforcement agencies are selling their TASER X26 weapons to us for a guaranteed highest price and have been doing so consistently for years. When you sell to us, you join a network of agencies across the country working to improve the value they receive for their law enforcement CEW budgets.

You can ship us any quantity you wish whenever you wish. Within 3 business days we will send your payment along with more pre-paid shipping labels. We have offered this since 2013 and expect to continue for the foreseeable future. Please feel free to call me with any questions, and to arrange now for the purchase of your TASER X26 units. Thank you!

Best regards,

Jeffrey R. Wenger
President and CEO
Accredited Security
A Nevada Corporation



20 Years of Reliability, Integrity and Commitment

www.AccreditedSecurity.com • info@AccreditedSecurity.com
Accredited Security • 131 DW Hwy Suite 561, Nashua, NH 03060 • Fax: 610-241-7413 • Tel: 702-617-3300



WE BUY TASER X26 WEAPONS

We buy the TASER X26 and other TASER models. Our TASER X26 Purchase Offer provides for the guaranteed highest price paid along with registration transfer, privacy protection and liability release. Accredited Security pays much more for the TASER X26 as an outright purchase than was ever offered as part of any TASER "Buy-Back" or trade-in allowance. Absolutely no one else consistently dedicates their entire business to this service, and no one else has our reputation, reliability, integrity and commitment.

Accredited Security purchases large quantities of surplus law enforcement TASER X26 CEWs from government law enforcement agencies throughout the United States through our TASER X26 Purchase Offer. Since 1995 Accredited has specialized in TASER sales and since 2013 has been universally recognized as paying the very highest price for used TASER X26 and other TASER models and has earned an excellent reputation with many police departments and sheriff's offices across the country for consistently doing so.

After twenty years as a TASER Dealer, Accredited Security now specializes primarily in the secondary market, and refurbishes units exclusively for resale under warranty only to U.S. law enforcement agencies, corrections institutions, peace officers, constables, deputies and other individual law enforcement officers, security officers and other licensed professionals as dictated by law. If desired, you can authorize your inventory to be designated for resale only to government law enforcement agencies and active duty law enforcement officers.

We provide a guaranteed purchase price to meet your schedule and time frame as your personnel transition to field implementation of your new models. Ship using the preferred shipping method of your choice, or we can provide you with pre-paid FedEx shipping labels. Payment is mailed to you within three business days of receipt for each shipment so you can ship any quantity you wish at your own pace to meet your training and transition needs. Please feel free to call us now at 702-617-3300 to discuss and arrange for future or immediate purchase of your TASER X26 units.

Accredited Security

131 Daniel Webster Hwy, Suite 561, Nashua, NH 03060
Telephone: 702-617-3300 info@accreditedsecurity.com

Teton County Sheriff's Office

Policy Manual
Mobile Audio Video - 230
Adoption Date: 2016/08/01
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Mobile Audio Video

443.1 PURPOSE AND SCOPE

The Teton County Sheriff's Office has equipped marked patrol cars with Mobile Audio Video

(MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

443.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system -Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

443.2 POLICY

It is the policy of the Teton County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the office's mission and to ensure these systems are used securely and efficiently.

443.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. At the start of each shift, deputies should test the MAV system's operation in accordance

with manufacturer specifications and office operating procedures and training. If the system is malfunctioning, the deputy shall notify his supervisor immediately.

443.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

Teton County Sheriff's Office

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Mobile Audio Video

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443.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject

to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct, within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which a deputy would normally notify Teton County 911

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/

or prosecution of a suspect:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact, in a situation that would

not otherwise require recording

(e) Any other circumstance where the deputy believes that a recording of an incident would be

appropriate

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443.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes

of this section, conclusion of an incident has occurred when all arrests have been made, arrestees

have been transported and all witnesses and victims have been interviewed. Recording may

cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar

situations.

443.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or

during breaks, lunch periods, when not in service or actively on patrol.

No member of this office may surreptitiously record a conversation of any other member of this

office except with a court order or when lawfully authorized by the Sheriff or the authorized

designee for the purpose of conducting a criminal or administrative investigation.

443.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Office.

Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required

by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed

or otherwise inserted into any device not approved by the office MAV technician or forensic media

staff. When reasonably possible, a copy of the original media shall be used for viewing (unless

otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of deputy conduct

(c) By a supervisor to assess deputy performance

(d) To assess proper functioning of MAV systems

(e) By office investigators who are participating in an official investigation, such as a personnel

complaint, administrative inquiry or a criminal investigation

(f) By office personnel who request to review recordings

(g) By a deputy who is captured on or referenced in the video or audio data and reviews and

uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Sheriff or the authorized

designee

(i) By the media through proper process or with permission of the Sheriff or the authorized

designee

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(j) Recordings may be shown for training purposes. If an involved deputy objects to showing

a recording, his/her objection will be submitted to the staff to determine if the training value

outweighs the deputy's objection

Employees desiring to view any previously uploaded or archived MAV recording should submit a

request in writing to the Patrol Lieutenant. Approved requests should be forwarded to the MAV

technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing

any employee.

443.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording

shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation

on the back of the records copy of the citation indicating that the incident was recorded.

443.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 30 months and disposed of in compliance with the established records retention schedule (Idaho Code 50-907; Idaho Code 31-871; or Idaho Code 67-4126).

443.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

443.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to

a criminal offense, potential claim against the deputy or against the Teton County Sheriff's

Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

443.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

Teton County Sheriff's Office

Policy Manual

Mobile Audio Video

Mobile Audio Video - 234

Adoption Date: 2016/08/01

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(d) Unless the transmitters being used are designed for synchronized use, only one transmitter,

usually the primary initiating deputy's transmitter, should be activated at a scene to minimize

interference or noise from other MAV transmitters.

(e) Deputies using digital transmitters that are synchronized to their individual MAV shall

activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

Teton County Sheriff's Office

Policy Manual
Portable Audio/Video Recorders - 235
Adoption Date: 2016/08/01
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Portable Audio/Video Recorders

445.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio/Video policies).

445.2 POLICY

The Teton County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

445.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in an official capacity shall remain the property of the

Office regardless of whether those recordings were made with office-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

445.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Office, and that the recorder is in good working order.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when each officer is assigned his/her own recording device or when the recording device and related software captures the user's unique identification and the date and time of each recording.

445.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

Teton County Sheriff's Office

Policy Manual

Portable Audio/Video Recorders

Portable Audio/Video Recorders - 236

Adoption Date: 2016/08/01

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At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

445.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation.

Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

445.5.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Idaho law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Idaho Code 18-6702).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

445.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

445.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with office-issued or personally owned recorders.

Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Section Supervisor. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

445.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes

constitutes evidence in a criminal case, the member shall record the related case number and

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transfer the file in accordance with current procedure for storing digital files and document the

existence of the recording in the related case report. Transfers should occur at the end of the

member's shift, or any time the storage capacity is nearing its limit.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal

matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence

of the recording.

445.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's

records retention schedule but in no event for a period less than 180 days.

445.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However,

members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged

misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in

reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Office who is participating in an

official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review

evidence in a related case.

(c) In compliance with a public records request, if permitted, and in accordance with the Records

Release and Security Policy.

AFFORDABLE HOUSING. How to increase affordable housing has been discussed by the Mayors, planning staff and Board Chair at several recent meetings of the Council of Governments. As a result of those meetings Mr. Boal and the City Planners for Driggs and Victor prepared a memo outlining their ideas for the next steps forward, beginning with the establishment of a joint County-City-City Housing Authority. The Board discussed these ideas and recommendations (Attachment #7).

Commissioner Park said cities should be responsible for this effort and Chairman Leake wondered why the county would have any involvement if affordable housing should be located in the cities. He wants to understand what a housing authority “buys” the county before deciding whether it should be re-activated.

Commissioner Riegel agreed that affordable housing should be located in the cities, but said the county does have a role. She pointed out that affordable housing was a component of the county’s Economic Development and Comprehensive Plans. However, she believes it would be a mistake to re-establish a Housing Authority without first understanding the specific tools available in Idaho and providing the appointed Housing Authority Commissioners with clear direction. Commissioner Riegel suggested the county use their \$5,000 budget to hire a housing expert to identify the tools available and make recommendations regarding the best tools for a new Housing Authority in Teton County. She volunteered to write a Scope of Work to be used to hire such a housing expert.

Before making a decision regarding a housing expert, the Board agreed to meet with the Mayors and other city officials/staff during their February 22 meeting in order to discuss their intent.

FY 2015 AUDIT REPORT

Rudd & Company CPA Brad Reed reviewed Teton County’s audit and financial statements for FY 2015. He reviewed his firm’s January 20 letters regarding governance and audit findings. Mr. Reed was happy to report that Rudd & Co. encountered no difficulties or disagreements during the audit and discovered no material weaknesses. He commended the Commissioners, Clerk and Treasurer for their commitment to doing what is right and said the county’s finances are in good shape. Mr. Reed recommended that the 4H bank accounts be incorporated into the County-wide budgeting and financial system.

The county bank balances totaled \$6,153,191 on Sept. 30. All but \$985,229 was insured or collateralized. Mr. Reed commended Treasurer Palm for her efforts to reduce the amount of unsecured assets from last year’s total of \$4,808,415. Although the county’s cash is much more secure than previous years, Mr. Reed said the Board should discuss how much cash was actually needed.

He pointed out that the unassigned General Fund balance represents 58% of the FY 2016 budget. Although he recommends having enough cash on hand to fund 3-4 months of operations, this represents quite a bit more than necessary. If the Board wants to pay off the 20-year solid waste bond early, Mr. Reed recommended that the General Fund loan the surplus cash to the Solid Waste Fund, which would then make annual bond re-payments to the General Fund rather than the Idaho Bond Bank. This way the county would earn 4+% interest.

ADMINISTRATIVE BUSINESS

● **MOTION.** Commissioner Park made a motion to approve the minutes of January 11. Motion seconded by Commissioner Riegel and carried unanimously.

● **MOTION.** Commissioner Riegel made a motion to approve Certificates of Residency for Steven Coburn, Omar Martinez-Carrillo, Annika Tolman and Ivan Cayetano. Motion seconded by Commissioner Park and carried unanimously.

● **MOTION.** Commissioner Park made a motion to approve Resolution 2016-0125 Ordering a Special Road & Bridge Levy Election to be held May 17, 2016. Motion seconded by Commissioner Riegel and carried unanimously. (Attachment #8)

The Board discussed Clerk Hansen’s memo proposing a modification of fees charged for Remote Terminal Access (Attachment #9). They decided the changes should be delayed until the fee schedule is updated in September.

\$1 rent, plus \$26,653.40, which is 5% of the hospital's annual profit. The payment was made as required by documents executed in 2012 to transition TVHC from a county-owned and operated hospital to a county-owned hospital leased to a non-profit corporation.

The meeting recessed for lunch at 12:15 pm and reconvened at 12:47 pm.

PLANNING, BUILDING & WEEDS

Planning Administrator Jason Boal reviewed his update memo (Attachment #7). The Board wanted to wait to approve the City of Driggs Survey Review Agreement until receiving comments from Prosecutor Spitzer. The Board approved the written decision for the Cowboy Church CUP, which was formally approved during the March 14 meeting (Attachment #8).

VISTA MEADOWS INSIGNIFICANT PLAT AMENDMENT. The Board discussed the request by Justin and Kay Edwards to modify the plat by rotating a single building envelope by 90 degrees (Attachment #9). Planning staff recommends approval.

● **MOTION.** Commissioner Park made a motion to approve the insignificant plat amendment for Vista Meadows as recommended by the planning staff. Motion seconded by Commissioner Riegel and carried unanimously.

LAND USE DEVELOPMENT CODE. Mr. Boal said the Board's April 12 meeting with the Planning & Zoning Commission needed to be postponed to allow time for the PZC to review Article 13 of the draft code. The PZC had been waiting for comments from the Idaho Department of Fish & Game before reviewing this section, but recently learned that IDFG intended to provide comments during the public review period. Mr. Boal said a final draft of the PZC document could be available by April 22. The Board will discuss the draft document with the PZC May 10.

WEEDS. The Board discussed the bids and possible purchase of a UTV and trailer for use by the Weed Superintendent. They also discussed the best approach for recovering expenses related to 2015 enforcement spraying in light of the fact that the lack of a Weed Superintendent caused a lapse in landowner communications.

● **MOTION.** Commissioner Riegel made a motion to approve purchase of a UTV and trailer using the lowest possible bid for equipment available by May 1. Motion seconded by Commissioner Park and carried unanimously.

● **MOTION.** Commissioner Park made a motion to allow the Weed Superintendent to utilize her discretion regarding weed enforcement-related liens for 2015 due to last year's personnel transition. Motion seconded by Commissioner Riegel and carried unanimously.

HOUSING PROGRAM RFP

Navigate, a Jackson-based company, provided the only response to the County's RFP for an affordable housing program (Attachment #10). Principal Christine Walker would like to assist the County, but said the scope of work outlined in the RFP would cost about \$25,000. Commissioner Riegel said Navigate is a well-qualified firm and asked for cost-saving recommendations. Ms. Walker suggested that County staff review the work of the previous Housing Authority Commission and write a summary of their efforts and conclusions. Staff could also assist with stakeholder interviews, or else that information could be gathered via focus groups rather than individual interviews.

Ms. Walker believes the County's biggest challenge will be to get the various elected officials to agree on who they want to provide housing for. For example, does the County want to provide housing for low-income workers? for workers who commute to Jackson? for teachers? She said more communities have been successful with affordable housing initiatives if they set goals and objectives first and believes this should be the county's top priority. Ms. Walker agreed to send a letter outlining her recommended scope of work within the county's \$5,000 budget.

County resident Alan Allred said the Board must have a way to manage and maintain the effectiveness of a future Housing Authority Commission and Executive Director.

AFFORDABLE HOUSING. The Board reviewed the proposed Scope of Work to develop housing program goals and objectives provided by Christine Walker of Navigate in response to the Board's March 28 request (Attachment #10). They discussed the comments made by Mayors Johnson and Potter regarding the cities' desire to take the lead in developing a housing program, along with the "Steps Forward" memo submitted by city and county planners (Attachment #11).

Ms. Walker said the intent of the proposal is to allow all elected officials to discuss their goals and objectives related to affordable housing and then hold public meetings to develop a consensus about what an affordable housing program should strive to achieve in Teton County. These goals and objectives will allow the county and cities to take informed steps toward achieve the goals, as opposed to establishing a Housing Authority without a defined work plan.

Commissioner Riegel believes the Navigate proposal would provide the information needed to move the discussion forward in an organized way. The Board discussed whether to ask the cities to review the proposal before proceeding and whether Navigate should interview a few realtors and business leaders in addition to elected officials. They decided it would be best to follow the process outlined by Ms. Walker but to make certain that folks understand that public comments will be heard before the goals and objectives are finalized.

Ms. Wolgamott was assigned the task of coordinating the project with Ms. Walker. Commissioner Riegel volunteered to assist as necessary. Shawn Hill of VARD offered to write a synopsis of the actions and findings of the previous county Housing Authority Commission since he has already spent considerable time reviewing their minutes and recorded meetings. Prosecutor Spitzer will be asked to provide the requested summary of relevant statutes.

● **MOTION.** Commissioner Riegel made a motion to approve the scope of work and budget for the housing program goals and objectives as proposed by Navigate using \$5,000 from the Housing Authority budget and \$5,500 from the county's contingency account. Motion seconded by Commissioner Park and carried unanimously.

PLANNING & BUILDING DEPARTMENT RESTRUCTURING. The Planning Administrator currently oversees the activities of planning, building, weed, and recreation employees. Mr. Boal's resignation has caused the Board to consider whether to make changes to those supervisory responsibilities. The Board discussed several possible re-structuring scenarios and decided to make no changes until a new Planning Administrator is hired. However, in order to lighten the workload for the interim PA, GIS Manager Rob Marin will be asked to mentor and assist the Recreation Planner as needed.

The PA position is being advertised without a closing date. The Board will review available applications June 13.

COMMUNICATION UPDATE. The Board reviewed Ms. Wolgamott's bi-monthly report and requested a demonstration of the government meeting management software as proposed (Attachment #12).

CONFERENCES. Commissioner Park will attend the annual conference of the Idaho Association of Commissioners and Clerks in Burley June 7-9. Chairman Leake will be in northern Idaho that week attending the annual State Health Department meeting. Commissioner Riegel will represent the County at the June 8 meeting of Idaho Housing and Finance. Commissioner Park agreed to participate in the June 10 meeting of the Magistrate Commission in lieu of Chairman Leake.

● **MOTION.** Chairman Leake made a motion to authorize Commissioner Park to represent Teton County at the June 10 meeting of the Magistrate Commission in Bingham County. Motion seconded by Commissioner Riegel and carried unanimously.

COMMITTEE REPORTS. Commissioner Park said the 5C Detention Board is meeting frequently in order to provide sufficient oversight while the facility is holding Federal juveniles. The difficulty of managing those juveniles has caused 5C to cancel the contract with the Federal government, but the cancellation requires a 3-month notice period.

COMMISSIONERS PRESENT: Bill Leake, Kelly Park, Cindy Riegel

OTHER ELECTED OFFICIALS PRESENT: Prosecutor Kathy Spitzer, Clerk Mary Lou Hansen

Chairman Leake called the meeting to order at 9:05 am and led the Pledge of Allegiance.

EASTERN IDAHO PUBLIC HEALTH

Director Geri Rackow reviewed her agency's FY 2016 annual report (Attachment #1). She said employee retention continues to be a challenge, along with rapidly increasing costs for employee health insurance. She encouraged the Board to participate on the regional Behavioral Health Board, which serves a 10-county region.

OPEN MIC

No one present wished to speak.

TETON REGIONAL ECONOMIC COALITION

Director Brian McDermott reviewed his quarterly report. The organization is fiscally solvent and recently hired an program manager. The merger of the Chamber and Business Development Center has been interesting; the new organization plans to replace Chamber memberships with sponsorships in order to raise needed funds. Mr. McDermott said retail businesses enjoyed a very good summer and Grand Targhee Resort experienced record-breaking winter and summer seasons this year. The Geotourism Center raised over \$13,000 during the Tin Cup Challenge. He thanked the Board for the County's \$35,000 contribution in exchange for TREC's contractual obligation to implement the County's Economic Development Plan.

HOUSING PROGRAM GOALS & OBJECTIVES REPORT

Navigate Consultants has completed their final report with specific actions recommended in order to implement an affordable housing program in Teton County. Driggs Community Development Director Doug Self reviewed a memo with suggested timelines for the first six months of recommended action items (Attachment #2). He said the City hopes to implement a pilot Cooperative Housing Project in the Gemstone Subdivision.

PUBLIC WORKS

Director Darryl Johnson reviewed his bi-monthly update memo (Attachment #3) and the memo prepared by Solid Waste Supervisor Saul Varela (Attachment #4).

SOLID WASTE. The transfer station facilities were recently inspected by Eastern Idaho Public Health and Idaho Department of Environmental Quality; no concerns were identified. Mr. Varela's report showed a total of 2,145 tons of waste diverted from the waste stream with \$163,051 in landfill savings.

Clerk Hansen said this does not mean there is an extra \$163,051 in the County's bank account, but that \$163,051 would have been paid by users if 2,145 tons had been sent to the Jefferson County landfill. In that case, higher tipping fees would have been collected to cover the additional hauling and tipping costs. Much lower fees are charged for diverted materials.

● **MOTION.** Commissioner Park made a motion to approve hiring Marcus Klebesadel for the Solid Waste Laborer position at 90% of the market rate. Motion seconded by Commissioner Riegel and carried unanimously.

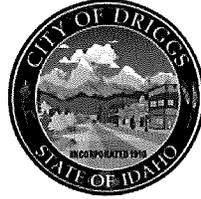
● **MOTION.** Commissioner Park made a motion to approve purchase of a \$2,136 tipping bucket assembly for the landfill cap test paid. Motion seconded by Commissioner Riegel and carried unanimously.

ENGINEERING. The Board discussed the delay of the W6000S reconstruction project if the County waits until NRCS engineering assistance is available. They decided to have Adler Engineering complete the Fox Creek re-alignment design as originally contracted so that construction could begin in 2017.

BATES RIVER PROPERTY CABIN. The Board approved Mr. Johnson's recommendation to modify the policy obtained from Jackson, Wyoming and move forward with rental of the cabin.

STAFF REPORT

To: City Council
From: Doug Self
Meeting Date: October 18, 2016



BI-MONTHLY
COMMUNITY DEVELOPMENT
PROJECT UPDATES

Attachment #2
October 29, 2016 BoCC

Housing

Joint Housing Authority

Teton County has received a completed report on housing program goals and objectives, which provides a timeline of recommended action items, including the establishment of a joint housing authority with the 3 cities. More specific dates and actions, supporting the recommendations, are proposed below.

November

- Adopt Joint Housing Authority Resolution (BoCC, Teton, Driggs – revise to include county)
- Draft Intergovernmental Agreement (Doug) for review by attorneys
- Advertise for Housing Authority Commissioner Letters of Interest (county)
- Draft IGA between Housing Authority and Cities/County

December

- Consideration/adoption of IGA by cities and county
- Appointment of Housing Authority members
- Draft Recommended Housing Authority Bylaws (Jason)

January

- Execute IGA between Housing Authority and Cities/County
- Adopt Bylaws
- Adopt Short Term Work Plan (Additional Management System Actions, Training)

Coop Housing

The workshop on cooperative housing hosted by the Montana Cooperative Development Center and attended by representatives from Driggs, Victor, Teton, and Teton County (with expenses covered by MCDC) was very informative and productive. A project concept was developed for the Gemstone subdivision along with an action plan for further developing the project and the partnerships that would enable it to happen. In simplified terms, a cooperative housing development can lower costs to owners/tenants because many costs are shared. For example, there can be a master mortgage for all units so that there is only one set of closing fees. Individual buyers then receive loans for their 'share' in the coop. With limited equity models, there can be a fixed appreciation amount so that units remain affordable for future occupants while some equity is still earned.

RESOLUTION NO. 2016-1212

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY, IDAHO, FINDING A SHORTAGE OF SAFE OR SANITARY DWELLING ACCOMODATIONS IN TETON COUNTY AVAILABLE AND AFFORDABLE TO PERSONS OF LOW INCOME; DECLARING A NEED FOR A HOUSING AUTHORITY TO OPERATE WITHIN TETON COUNTY; AND AUTHORIZING THE APPOINTMENT OF A JOINT HOUSING AUTHORITY WITH THE CITIES OF DRIGGS, TETONIA AND VICTOR, IDAHO.

THIS RESOLUTION, made on the date hereinafter set forth by the Board of County Commissioners for Teton County, Idaho, hereinafter referred to as the "County."

WHEREAS, the County has received and reviewed the Housing Needs Assessment, dated November 18, 2014, which was prepared for Teton County and neighboring counties by qualified consultants;

WHEREAS, said Housing Needs Assessment, shows that there is a shortage of safe or sanitary dwelling accommodations in Teton County, including in the cities of Driggs, Tetonia and Victor, that are available and affordable to persons of low income;

WHEREAS, the need for affordable housing for persons of low income appears to be increasing and to require programs which a housing authority is empowered to provide;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY, IDAHO, AS FOLLOWS:

Pursuant to Idaho Code Section 31-4205,

The County finds that there is a shortage of safe or sanitary dwelling accommodations in Teton County available to persons of low income or rentals they can afford.

The County hereby joins with the Cities of Driggs, Tetonia and Victor, Idaho in the creation of the joint Teton County-Driggs-Tetonia-Victor Housing Authority, which shall become active upon the appointment of two commissioners by Teton County, two commissioners by County of Driggs, two commissioners by County of Victor and one commissioner by County of Tetonia.

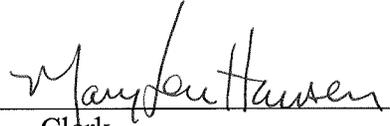
This Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Board of County Commissioners of Teton County, Idaho, on December 12, 2016.
Signed by the Chair, and attested by the County Clerk, on this 12th day of December 2016.

APPROVED:

ATTEST:

By 
Bill Leake, Chair

By 
Clerk

● **MOTION.** Commissioner Riegel made a motion to approve the claims as presented provided that the Extension Educator submit an agenda for the conference attended in Boise. Motion seconded by Commissioner Park and carried unanimously.

General.....	\$39,644.76
Road & Bridge.....	9,989.26
Court & Probation	5,833.13
Court-Restitution	7,474.13
Court-Bonds.....	3,815.40
Solid Waste.....	26,950.79
Weeds.....	427.47
E911	4,103.64
Mosquito Abatement.....	41,666.66
Vessel	320.00
Fairgrounds & Fair	579.08
TOTAL	\$140,804.32

● **MOTION.** At 5:30 pm, Commissioner Park made a motion to recess the meeting until 12 noon on Tuesday, December 13 so the remaining agenda items could be completed. Motion seconded by Commissioner Riegel and carried unanimously.

Board of County Commissioners: December 13, 2016 Continuation Meeting

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

COMMISSIONERS PRESENT: Bill Leake, Kelly Park, Cindy Riegel

OTHER ELECTED OFFICIALS PRESENT: Clerk Mary Lou Hansen

Chairman Leake reconvened the meeting at 12:04 pm.

IT/EMERGENCY MANAGEMENT

Administrator Greg Adams reviewed his monthly report (Attachment #9). The Board approved Mr. Adams' request to obtain a cell phone for the new Emergency Management Technician. They also agreed to add monthly phone and internet service at the Fair Building to the County bill. The Fair Board will purchase the necessary equipment out of their budget.

ADMINISTRATIVE

LAND DEVELOPMENT CODE REVIEW. The Board discussed the proposal submitted by Applied Communications for review of the County's new land development code (Attachment #10). Commissioner Riegel said this would provide a third party review of the draft code and recommended approving a contract with the consultant. Commissioner Park believes the new Board should decide whether to contract for review of the draft code. Commissioner Riegel said a review should have been done over a year ago and should have included community involvement. That has not yet been done and she wants to be sure it takes place, even if the new Board disagrees it is needed. Chairman Leake said he was not prepared to make a decision. The Board agreed to hold a special meeting December 19 to discuss the proposal further.

HOUSING AUTHORITY RESOLUTION. The Board discussed the draft document and learned that state statute requires language about low income. Commissioner Park said he supported the resolution providing that future Boards have the freedom to act on it as they see fit.

● **MOTION.** Commissioner Park made a motion to approve Resolution 2016-1212 authorizing the appointment of a Joint Housing Authority with the cities of Driggs, Teton, and Victor. Motion seconded by Commissioner Riegel and carried unanimously. (Attachment #11)

Teton County, Idaho Housing Program Goals & Objectives Report

August 22, 2016



Prepared by:

Navigate, LLC
Jackson Hole, WY

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INTRODUCTION

Purpose

The Housing Program Goals and Objectives Report summarizes the outcome of a process with elected officials designed to establish goals and objectives for a potential housing program in Teton Valley.

The purpose of this process was to provide Teton County, and the cities of Victor, Driggs, and Tetonida with the information needed to:

- Determine whether or not a housing program will be necessary in order to effectively address the housing needs identified in the Western Greater Yellowstone Region Housing Needs Assessment (HNA),
- Facilitate a consensus on goals and objectives of a housing program,
- Determine the preferred organizational structure of a housing program, and
- Define strategy recommendations for a housing program.

This information is intended to help the county and cities establish a housing program, which will ensure the alignment between the various jurisdictions. It will also set the foundation for establishing affordable housing strategies and policies that will cost effectively provide more opportunities for local employees to live in the Teton Valley Idaho.

Methodology

Information from interviews and other sources was gathered and analyzed during the months of June – August, 2016 and include:

- A series of interviews with the three Teton County, Idaho Commissioners and the mayors and several city council members of the cities of Victor, Driggs and Tetonida, were conducted in order to gather information about potential goals, objectives, and outcomes of a housing program,
- A summary of data was compiled from the 2014 Western Greater Yellowstone Region Housing Needs Assessment (HNA) and distributed to elected representatives,
- Review of existing resources including the HNA, 2014 Western Greater Yellowstone Analysis of Impediments to Fair Housing Choice, 2012 Teton

County Comprehensive Plan, and City of Driggs, Victor and Tetonia
Comprehensive Plans,

- Elected officials from Victor, Driggs, Tetonia and Teton County, Idaho attended a work session to review data from the HNA and refine goals and objectives,
- A summary of the previous Teton County Housing Authority Commission (HAC) provided by Shawn Hill, Executive Director of Valley Advocates for Responsible Development (VARD), and
- Statutes related to forming a county housing authority memo from Kathy Spitzer, Teton County Prosecuting Attorney.

GOALS & OBJECTIVES

The elected officials in the county and cities within Teton County, Idaho participated in a process designed to facilitate the establishment of goals and objectives of a housing program. The process began with individual interviews where each interviewee was asked the same series of questions during a 45 – 60 minute period. Their responses were then compiled into draft goals and objectives.

A four-hour group work session encouraged the elected officials to individually express the community benefits of having a housing program and to collectively discuss each of the draft objectives. The results of this work session formed the basis for the following goals and objectives.

Goals

To facilitate the development of diverse, permanently affordable housing within the city limits in order to provide a variety of housing options that will enhance the local economy, add vibrancy to downtowns and preserve the rural character of the area.

Objectives

Location

Locate Affordable Housing within the city limits of Victor, Driggs and Tetonida according to the Teton County Idaho Comprehensive Plan. With the exception of housing for agricultural workers, rural areas in Teton County should be avoided to reduce public costs to improve and maintain infrastructure (i.e. public roads, water, sewer), and to preserve the rural agricultural character of the area.

Regional Approach

Seek out regional opportunities to collaborate with Wyoming and Idaho in creating housing options for working households and public transit improvements.

Owner/Renter Mix

Strive for a mix of ownership and rental product to meet the diverse needs of working households, including a variety of income levels and life stages.

Income Targets

Create opportunities for the market to produce housing for working households. The housing market is unproductive at providing suitable ownership opportunities below 120% of the median income and rental product below 80% AMI. The housing program should target specific underserved markets based on current data.

Maintaining Affordability

Ensure affordability permanence of housing units created through the housing program (i.e. ground lease, covenant, deed restriction).

Type/Quality Design

Provide a variety of dwelling types and density ranges to keep pace with job growth. Encourage development of high-quality housing that is durable, energy efficient, attractive, sanitary, safe and affordable.

Data Collection

Prioritize the annual collection of key indicators to measure the progress of the housing program and keep stakeholders informed.

Education

Prioritize public education to demonstrate the value of affordable housing to create and maintain a healthy, vibrant community.

RECOMMENDED STRATEGIES

Meeting the affordable housing needs of Teton Valley residents and employees requires a variety of strategies. Housing needs are too diverse in the community for one strategy or one housing development to be able to solve. There is no “silver bullet” and there is no short-term solution. Key points to note about implementation strategies:

- Consistent commitment over time is required. The problem will not go away with just one strategy or one project built.
- Specific strategies typically address only part of the need. For example, a Low Income Housing Tax Credit project can only be used to house low-income households (e.g. those earning 60% AMI or below).
- Typically, local funding sources address the housing needs of moderate/middle income families who cannot afford homes provided by the private sector.
- Some strategies may only produce a few units. However, in combination with other efforts, various strategies are key for a diversified inventory of affordable housing that meets the wide spectrum of needs.

The following recommendations are in order of priority.

Re-Establish a Housing Authority

Based on the information gathered from the process it is clear that an organization needs to take the lead on housing. Development codes, impact fees, and density bonuses have been codified to incentivize the production of affordable housing. However, an entity to administer the new housing programs and manage units created using these incentives has not been established.

In addition, resources within the local planning departments are strained because of the increased housing responsibilities, and housing codes are being defined and implemented inconsistently adding unwanted complication.

The elected officials were clear about their preferred structure for a housing organization, which would include:

- Countywide organization managed by a representative board
- Board members appointed by Victor, Driggs, Teton and Teton County
- Oversight of the Board by Victor, Driggs, Teton and Teton County (i.e.: approve work plan, budget, periodic review)
- Experienced part-time staff person hired by Teton County

Housing Authority

Several organizational structures can be utilized to govern a housing program. Three common approaches are a housing authority, department of government, or a private non-profit.

Table 1 demonstrates how the different approaches meet (marked with an X) the stated objectives of a housing program organizational structure.

Table 1: Housing Program Organizational Structure

Organizational Structure Objectives	Housing Authority	County or City Department	Private Non-Profit
Countywide	X		X
Representative Board	X		X
Board members appointed by cities and county	X		
Oversight by cities and county	X		
Dedicated staff person	X	X	X

A housing authority can be multi-jurisdictional, can have board members appointed by the city and county in a representative manner, can have mechanisms to provide oversight and can be staffed.

A private non-profit would have board members appointed by the organization and there is limited ability to oversee activities or control the work plan.

Since a housing authority meets the criteria of all of the objectives, in this case it seems to be the preferred organizational structure.

To create a regional housing authority, each government entity must adopt a resolution declaring that there is a need for a housing authority because it finds (a) that insanitary or unsafe inhabited dwelling accommodations exist or (b) that there is a shortage of safe or sanitary dwelling accommodations available to persons of low income or rentals they can afford. The data in the 2014 Greater Western Yellowstone Region Housing Needs Assessment supports the need for a housing authority.

Regional Housing Authority

The housing challenge is a valley wide issue with strategies that often cross boundaries and impact the service provision of neighboring governments. A Regional Housing Authority established by Teton County, Driggs, Victor and Tetonia supports coordination between the multiple jurisdictions.

The coordinated approach also reduces duplication of services, utilizes resources effectively, and creates program consistency across jurisdictions.

Board Members (Commissioners) Appointed by Government Officials

Idaho Code allows for either a 5 or 7 member board (commission) appointed by the county or city that creates the authority. A board that is representative of the valley population can be achieved by appointing the 7-member regional housing authority commission in the following manner:

Teton County	2 commissioners
Driggs	2 commissioners
Victor	2 commissioners
Tetonia	1 commissioner

Governmental Oversight

An Intergovernmental Agreement (IGA), a contract between governmental or quasi-governmental entities, is an instrument commonly used to specify governmental oversight of a Housing Authority.

An IGA between the cities, county and regional housing authority is a mechanism that would clarify roles and responsibilities of each party and provide oversight. Items to consider in the IGA:

- Budget review and approval
- Funding and in-kind contributions
- Establishment of work plan
- Periodic review

An example of an Intergovernmental Agreement is provided in Appendix A. It is the Fifth Amended and Restated Intergovernmental Agreement Aspen/Pitkin County Housing Authority that is with the City of Aspen and Pitkin County Board of County Commissioners.

Board Diversity

Board members can add intellectual and practical capacity to a housing program, along with diverse perspectives representing various segments in the community.

Skill sets of the board should include:

- Informal community leaders
- Real estate agent
- Banker/Lender
- Appraiser

- Developer/Builder/Civil Engineer/Architect
- Lawyer

Representation by board members at different stages of life, gender, race, and income level is also an important consideration as housing needs differ among these groups.

[Hire a Part-time Housing Specialist/Executive Director](#)

Implementing a housing program requires time and expertise best achieved by a dedicated staff person. Volunteer board members provide direction, expertise, and benefit from the structure provided by a dedicated staff person.

The group of elected officials identified the need for a “point-person” to manage the program and indicated that county resources may be available for a part-time position.

A part-time housing specialist could add capacity in the following manner:

- Manage the housing board
- Coordinate with the cities and county
- Assist with code provisions, implementation and monitoring
- Manage deed restrictions on units
- Create and implement an annual work plan
- Foster relationships and partnerships for the production of housing

Create a Management System

A management system is a set of policies, processes and procedures used by an organization to implement its objectives. With housing programs management systems typically include:

- Housing Guidelines
- Restriction templates
- Record keeping

Most mature housing organizations struggle with complex management systems that have evolved over many years. Challenges include high administrative costs, large staffs to administer, gaps in understanding the inventory, difficult for the public to understand and to update.

Take advantage of the trials and errors of other communities (often called “bloopers”) and create a straightforward and standardized management system.

Guidelines

Housing Guidelines are the core set of policies and procedures of a housing program and are directly tied to goals and objectives such as maintaining affordability, quality/type of units and employee prioritization.

Housing Guidelines normally include the following:

- Definitions
- Affordability standards
- Rental procedures
- Sale and resale processes
- Selection criteria and process
- Unit standards – size, quality, amenities
- Development code standards
- Compliance and grievance procedures

There is some urgency to establish Housing Guidelines because existing development code encourages affordable housing units to be provided without any policies or procedures to offer direction to developers or staff. The former Teton County Housing Authority Commission (HAC) made some progress with draft guidelines that could be used as a foundation.

Restriction Templates

Create restriction templates for ownership and rental product that will be price and/or occupancy restricted. A new housing program has the benefit of learning from the successes and shortfalls of established housing programs in other similar communities.

Most established housing programs struggle with the lack of standardized restrictions because their programs and related restrictions have evolved over time in response to various matters. This evolution results in numerous restrictions with slightly different requirements. The variety and nuanced differences are burdensome to administer, are very hard to update and difficult to understand.

Standardized restriction templates will minimize complexities in the housing program, which will streamline management, reduce administration costs, and increase understanding of the program.

Record Keeping

Establish a centralized record keeping system to collect, track and disseminate data. Initiating this system at the outset will streamline administration, keep track of what is working well and where changes may be needed, effectively disseminate information, and make the system less reliant upon institutional knowledge.

Housing units will be created through various mechanisms (development agreements, impact fee waivers, accessory residential units, apartments, cooperatives, Habitat for Humanity, low income housing tax credits, etc.) and within each jurisdiction. A centralized record keeping system can capture all of these methods and enable the evaluation of the entire housing program.

Establish an Education Plan

Community education is fundamental to the success of a housing program as an informed community results in a supportive community willing to invest in solutions. An effective education plan will be ongoing and will be modified as the program evolves. At its core, an education plan will clearly present the value of having a variety of housing options affordable to all income levels.

The values voiced through the goals and objectives process include:

- Diverse and strong economy
- Vibrancy in the downtown cores
- Employees to support local businesses
- Enhance the local economy

Foster Relationships

Producing housing that is affordable to working households often includes layers of funding sources and partnerships. It takes years to develop relationships that result in partnerships to create housing. The housing program should begin fostering relationships with potential housing partners such as local employers, Idaho Housing and Finance Association, Habitat for Humanity (Idaho Falls and Jackson, WY affiliates), Grand Targhee, Jackson Hole Mountain Resort, and the Jackson/Teton County Housing Department.

Explore Potential Funding Sources

A secure funding source is crucial to the long-term success of a housing program. It takes dedicated resources that are consistently committed to managing a housing program effectively. The following are recommendations on funding sources primarily from the Western Greater Yellowstone Region Housing Needs Assessment (HNA):

- A number of state and federal programs provide funding for housing, particularly for households earning less than 80% AMI. Although these funds can be challenging to obtain, the housing program should seek state and federal funding (grants and tax credits, loans) and provide technical assistance to private entities applying for such funds (HNA).
- Partner with Grand Targhee to capture sales tax generated at Grand Targhee for housing and transportation if 1-cent sales tax initiative is successful in Teton County, Wyoming.

- Real estate transfer assessment (RETA) from residential unit sales at Grand Targhee Resort. A portion of the proceeds from this RETA were intended to support workforce housing in Teton County, ID as part of their housing mitigation plan. Access to these funds should be pursued (HNA).

Create a Housing Production Plan

Create a Housing Production Plan that prioritizes the use of specific strategies based on housing needs and available resources to focus efforts.

A Housing Production Plan includes a variety of strategies to create housing options for the diverse needs of working households. Each strategy usually targets a specific income level and either a rental or ownership product.

The Greater Western Yellowstone Region Housing Needs Assessment (HNA) identifies housing strategies. Table 2 shows these housing strategies by owner and rental product, and targeted area median incomes (AMI).

Table 2 – Housing Strategies by Area Median Income

	Area Median Income (AMI)			
	<50%	50.1% - 80%	80.1% - 120%	>120%
Max. Income	\$26,750	\$42,750	\$64,200	>\$64,200
Max. Affordable Purchase Price	\$99,400	\$158,700	\$238,700	>\$238,700
Housing Strategies - Ownership	Habitat for Humanity, Public sector development of entry level housing	Self Help Housing, Public sector development of entry level housing	New Development Code* - condos and townhomes, Public/private partnership for mixed-income housing, Fee waiver incentives	New Development Code - condos and townhomes, private sector development
Housing Strategies - Rental	Low Income Housing Tax Credits (LIHTC)	Low Income Housing Tax Credits (LIHTC), Public sector development	New Development Code* - apartments, ARUs*	New Development Code - apartments, ARUs
Net Units Needed	45	143	272	191

Source: 2014 Greater Western Region Housing Needs Assessment; consultant Team

*Not restricted to income level or for occupancy

Housing strategies that serve the lower income levels tend to be private non-profits (Habitat for Humanity) or government agencies (Self Help, LIHTC, Public Sector development). There is a gap between the cost to construct housing and the price these households can afford. This gap is bridged through a combination of sweat equity, philanthropic dollars, and public funds. The complexity of accessing public funds, raising philanthropic dollars, and managing sweat equity takes time and resources. These strategies tend to be slower to implement and produce a limited number of units.

Housing strategies that serve the higher income households tend to be zoning tools (new development codes), incentives (fee waivers, ARUs), or public/private partnerships. Zoning and incentives can be effective at leveraging the skills of the private sector to produce housing, often in higher numbers and at a quicker pace.

Without a mechanism to limit price and occupancy prices often escalate beyond wages and occupancy transitions to part-time residents or visitors (short-term rentals). This is prevalent in desirable locations with high amenities such as Teton Valley and walkable neighborhoods near vibrant downtowns. Zoning is effective at creating supply but is ineffective at maintaining affordability.

RECOMMENDED ACTION ITEMS AND TIMELINE

First 6 months (Oct 2016 – March 2017)

Organizational Structure Actions

Step 1: Adopt or revise resolutions to establish a regional housing authority of the County, City of Driggs, City of Victor, and City of Teton

Responsibility: County and city attorneys draft resolutions for adoption by Board of County Commissioners and City Councils

Step 2: Determine the split of administrative funding between the county and cities

Responsibility: Board of County Commissioners and City Councils

Step 3: Create Intergovernmental Agreement to define roles and responsibilities of the Housing Authority, the county and cities. Include the following items:

- Housing authority budget review and approval by county and cities
- Funding and in-kind contributions from county and cities
- Establishment of housing authority work plan
- Periodic performance review of housing authority

Responsibility: Drafted by planning staff with adoption by Board of County Commissioners and City Councils, signed by housing authority once established

Step 4: Appoint 7-member regional housing authority board pursuant to Idaho Code in the following manner:

Teton County	2 commissioners
Driggs	2 commissioners
Victor	2 commissioners
Tetonia	1 commissioner

Responsibility: Board of County Commissioners and City Council

Step 5: Hire a part-time housing specialist/Executive Director. In the interim, the county long-range planner could fill this position with defined hours dedicated to and oversight by the housing authority. Eventually, the housing authority should hire this position.

Responsibility: Board of County Commissioners and/or housing authority board

Management System Actions

Step 1: Establish bylaws for the housing authority using the template created by the former Teton County Idaho Housing Commission.

Responsibility: Housing authority

Step 2: Define key terms such as “affordable” and adopt in the development codes of the county and cities to ensure consistency across jurisdictions.

Responsibility: Housing authority to identify and define key terms, city and county planners to facilitate adoption in development codes

First 2 years

Management System Actions

- Create Affordable Housing Guidelines using the draft from the former Teton County Housing Authority Commission
- Establish restriction templates
- Establish a centralized record keeping system

Responsibility: Housing authority board and staff

Funding Actions

Explore long-term dedicated sources of funds to manage and facilitate the production of restricted housing units

Responsibility: Housing authority board and staff to explore options, county and city elected officials to assist with securing

Housing Production Plan Actions

Create a Housing Production Plan that prioritizes the use of specific strategies based on housing needs and available resources to focus efforts.

Responsibility: Housing authority board and staff with approval by the county and city according to the Intergovernmental Agreement

Ongoing and Long-term

Education Plan Actions

Inform the community about the process to establish a housing authority, the goals and objectives of the housing program and value of having a variety of housing options affordable to all income levels.

Responsibility: *Housing authority board and staff*

Fostering Relationships Actions

Build relationships with potential housing partners such as local employers, Idaho Housing and Finance Association, Habitat for Humanity (Idaho Falls and Jackson, WY affiliates), Grand Targhee, Jackson Hole Mountain Resort, and the Jackson/Teton County Housing Department.

Responsibility: *Housing authority board and staff, county and city elected officials*

APPENDIX A

FIFTH AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT
ASPEN/PITKIN COUNTY HOUSING AUTHORITY

This **FIFTH AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT** (hereinafter referred to as "Agreement"), made and entered into this 18th day of December 2013, by and between the CITY OF ASPEN, Colorado, a home rule municipal corporation (hereinafter referred to as "City") and the BOARD OF COUNTY COMMISSIONERS of Pitkin County, Colorado, a body corporate and politic (hereinafter referred to as "County"):

WITNESSETH:

WHEREAS, the City is authorized by Article XX, Section 6 of the Colorado Constitution and City and County are each authorized by Article XIV, Section 18 of the Colorado Constitution, Section 29-1-204.5, Colorado Revised Statutes to contract with each other to establish a multi-jurisdictional housing authority as a separate government entity; and

WHEREAS, the City and County entered into an *Intergovernmental Agreement* on January 9, 1984, an *Amended and Restated Intergovernmental Agreement* on September 26, 1989, a *Second Amended and Restated Intergovernmental Agreement* on September 13, 1999, a *Third Amended and Restated Intergovernmental Agreement* on October 28, 2002, and a *Fourth Amended and Restated Intergovernmental Agreement* on December 20, 2007, establishing a multi-jurisdictional housing authority under the provision of C.R.S. 1973, Section 29-1-204.5 which authority is known as the Aspen/Pitkin County Housing Authority (hereinafter referred to as "Authority") for the purpose of providing a program and a system to assure the existence of a supply of desirable and affordable housing for permanent residents, persons employed in the City or the County, senior citizens, disabled persons and other population segments residing or needing to reside in the Roaring Fork Valley which are necessary for a balanced community; and

WHEREAS, the City and County desire to create an independent housing authority that has all of the powers set forth at Section 29-1-204.5, C.R.S., and that will function as an advisory and recommending board to the Aspen City Council and the Board of County Commissioners on all matters relating to affordable housing in their respective jurisdictions; and

WHEREAS, the City and the County desire to further amend and to restate the *Fourth Amended Intergovernmental Agreement*.

NOW, THEREFORE, in consideration of the mutual benefits to be derived hereby, the City and the County amend and restate the *Intergovernmental Agreement* of January 9, 1984, the *Amended and Restated Intergovernmental Agreement* on September 26, 1989, the *Second Amended and Restated Intergovernmental Agreement* on September 13, 1989, the *Third Amended and Restated Intergovernmental Agreement* on October 28, 2002, the *Fourth Amended and Restated Intergovernmental Agreement* on December 20, 2007, and the *Fifth Amended and Restated Intergovernmental Agreement* effective on the date first stated above, and said Agreement shall replace and supersede all prior agreements of any kind, to the extent and for the limited purpose as such other agreements may be related to the provision of services by the Aspen/Pitkin County Housing Authority, and the previous Agreement as amended is hereby cancelled and of no further effect, and to read as follows:

I. MULTI-JURISDICTIONAL HOUSING AUTHORITY – PURPOSE:

The Aspen/Pitkin County Housing Authority (hereinafter referred to as "Authority") has been established as a multi-jurisdictional housing authority for the purpose of assisting the City and County,

upon request by either party, in effecting the planning, financing, acquisition, construction, development, reconstruction or repair, maintenance, management and operation of housing projects pursuant to a multi-jurisdictional plan to provide residential facilities and dwelling accommodations at rental or sale prices within the means of families or persons of low, moderate and middle income who are employed in the City or the County, who reside or need to reside in the City or County, and who have identifiable needs for affordable housing; e.g., limited incomes, senior citizens and disabled persons, as defined by the Authority in published guidelines. The Authority shall be a political subdivision and a public corporation for the State of Colorado, separate from the City and County, and shall be a validly created and existing political subdivision and public corporation of the State of Colorado. It shall have the duties, privileges, immunities, rights, liabilities, and disabilities of a public body politic and corporate. The provisions of Articles 10.5 (the "Public Deposit Protection Act") of Title 11, Colorado Revised Statutes, shall apply to monies of the Authority.

The Authority shall have any and all powers, duties, rights and obligations as such are set forth herein and subject to the terms and conditions of this Agreement. In order to facilitate management oversight and to provide additional resources to the Authority, the Authority shall delegate to the City certain administrative functions as more fully described herein:

II. BOARD OF DIRECTORS:

A. Number, Manner of Appointment, Qualifications, etc.:

The Board shall consist of seven (7) directors (hereinafter referred to as "Directors"), and one (1) alternate, serving staggered terms to be appointed as follows:

1. Three Directors shall be appointed by the Board of County Commissioners.
2. Three Directors shall be appointed by the City Council.
3. One Director and one alternate shall be appointed jointly by the Board of County Commissioners and the City Council.
4. As soon as reasonable after the effective date of this Amended Agreement, the City Council and the Board of County Commissioners shall appoint two additional Directors – one by the BOCC and one by the City Council. All Directors shall be appointed for a four-year term. Each director will be term limited to two (2) consecutive four-year terms. A one-year absence from the Authority Board will be required before a director can reapply. Terms limits will begin with the approval of the *Fifth Amended Intergovernmental Agreement*.
5. Directors and the Alternate Director shall continue to serve as Directors until such time as a successor has been appointed.
6. Directors appointed by the City Council may be removed at the sole discretion of the City Council. Directors appointed by the County Commissioners may be removed at the sole discretion of the County Commissioners. The Jointly appointed Director and the Alternate Director may be removed at the sole discretion of either the City Council or County Commissioners. Upon the removal of a Director or Alternate Director, a replacement shall be appointed by the respective governmental entity(ies) that originally appointed the Director for the unexpired term of the removed Director or Alternate Director.

B. Officers.

The officers of the Authority shall be a Chair, a Vice Chair, a Treasurer, and a Secretary.

1. *Chair.* The Chair shall preside at all meetings of the Authority. At each meeting, the Chair shall submit such recommendations and information as she or he may consider proper concerning the business, affairs and policies of the Authority.
2. *Vice Chair.* The Vice Chair shall perform the duties of the Chair in the absence or incapacity of the Chair; and in case of the resignation or death of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair until such time as the Authority shall select a new Chair.
3. *Treasurer.* The Treasurer shall perform the duties of the Chair in the absence or incapacity of both the Chair and the Vice Chair. With respect to expenses incurred directly by the Authority (as distinguished from expenses of either the City or County for affordable housing projects and their operations), either the Treasurer or the Secretary shall approve all orders and checks for payment of money and shall payout and disburse such monies under the direction of the City's Finance Director. The Treasurer shall serve as advisor to the Authority and the Board on financial matters.
4. *Secretary.* The Secretary shall ensure that the records of the Authority are properly maintained, shall act as Secretary of the meetings of the Authority and ensure that all votes are recorded, and shall ensure that a record of the proceedings of the Authority are maintained in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his or her office.
5. *Election or Appointment.* The Chair, Vice Chair, Treasurer, and Secretary shall be elected at the annual meeting of the Authority from among the Directors of the Board, and shall hold office for one year or until their successors are elected and qualified.
6. *Vacancies.* Should the office of Chair, Vice Chair, Treasurer, or Secretary become vacant, the Board shall elect a successor from its membership at the next regular meeting and such election shall be for the unexpired term of said office.

C. Voting Requirements:

1. *Quorum.* The powers of the Authority shall be vested in the Directors of the Board in office from time to time. Four Directors of the Board shall constitute a quorum for the purpose of conducting Authority business and exercising Authority powers and for all other purposes. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the Directors of the Board present. The Alternate Director may be counted for purposes of determining the existence of a quorum at a meeting and may have his or her vote counted only if at least one Director is not present.
2. *Manner of Voting.* The voting on all questions coming before the Authority shall be by roll call, and the yeas and nays shall be entered upon the minutes of each meeting by name, except on the election of officers that may be by ballot.

D. Duties of the Officers.

The officers of the Authority shall perform the duties and functions of the Authority as prescribed herein and such other duties and functions as may from time to time be required by the Authority, the by-laws or rules and regulations of the Authority, or upon the request of the City and County.

III. DUTIES OF THE PARTIES:

A. Personnel.

1. An Executive Director of the Authority shall be employed by the City who shall report to and be supervised by the City Manager. The City Manager and County Manager shall jointly hire the Executive Director. The City Manager shall have the authority to terminate the employment of the Executive Director in accordance with City Personnel Policies and Procedures, but shall exercise this authority only after reasonable consultation with the County Manager.
2. The Executive Director and all other personnel employed to work under the supervision of the Executive Director shall be City employees, subject to the City's payroll, benefits, and personnel policies and procedures (including disciplinary procedures).
3. The Executive Director shall work under the supervision of the City Manager and shall receive work assignments from the City Manager. Directors of the Housing Authority may suggest work assignments for the Executive Manager to the City Manager, but shall have no authority to directly assign work, tasks, or priorities to the Executive Director or any of his or her staff.
4. Nothing in this Agreement shall create, or is intended to create, or shall be construed to constitute a contract of employment, express or implied, between the Executive Director and the Authority, the City or the County.

B. Finances and Accounting.

1. The Executive Director shall annually consult and cooperatively work with the City and County Finance Directors to prepare proposed budgets for the City and County relating to affordable housing in their respective jurisdictions. The Authority, upon reviewing the annual budget as presented by the Executive Director shall make recommendation to the City and County for their adoption. The annual budgets shall include funds necessary to reimburse the City for overhead expenses for personnel, finance, administrative, legal, and asset management services consistent with fees charged to other City departments.
2. The Executive Director shall annually consult and cooperatively work with the City's Finance Director to ensure the proper care and custody of all funds of the Authority, the prompt payment of all obligations of the Authority, and the keeping of regular books of accounts showing receipts and expenditures of the Authority. The Executive Director shall render to the Authority, the City and the County, at their regular meetings, or sooner if requested, an account of Authority transactions and also of the

financial condition of the Authority. The Executive Director shall give such bond for the faithful performance of his or her duties as the City may require.

3. All accounting, payroll, and audit services for the Authority shall be performed by the Finance Department of the City.
4. The City's procurement policies, contract documents, and approval policies shall be used for all procurements of goods and services of the Authority except for any goods or services purchased entirely for County projects. A County project shall be defined for purposes of this section as any purchase for goods or services funded entirely by County funds or a combination of County funds and funds from a source other than from the City.
5. For each fiscal year of the City, the County and the Authority (each January 1 through each December 31), the City and County shall each appropriate their prorated share of operational monies necessary to provide for any budgeted deficit arising in connection with the Authority's operations which has been approved by the City and County, provided, however, that bonds, notes or other obligations payable solely from revenues as described in Section III hereof shall never constitute an indebtedness of the City or the County. The City and County shall each pay for 50% of the normal operating expenses of the Housing Office. This shall include such normal operating expenses as guideline development, qualifying applicants, enforcement, property management, etc. The City and County shall pay its share of any special projects, which either party may request to be included in the Annual Work Plan.
6. The County shall pay to the City for the benefit of the Authority its share of the Authority's annual budget upon the request of the Finance Director of the City. Both the City Council and the Board of County Commissioners shall approve any increases to the expense budget.
7. On or before April 15 of each fiscal year, the actual operations for the Authority for the immediate preceding fiscal year shall be reviewed by the City and County Finance Directors with the Executive Director for the determination of any necessary final reimbursements (and, therefore, necessary supplemental appropriations of monies by the City and the County) as a result of any non-budget appropriation of Authority staff or expenditure. The City and County hereby agree to make all necessary appropriations within a reasonable time to reconcile the final appropriations of each entity.

C. *Operations.*

1. Annual Work Plan. The Executive Director, with the assistance of the Authority, shall annually prepare a detailed Annual Work Plan that specifies goals, tasks, responsible employees and timelines, for the operation of the Authority. The Annual Work Plan shall include a summary detailing progress made in the implementation of action plans set forth in any adopted Housing Strategic Plan and recommendations for changes to the Housing Strategic Plan. Following the review of the Annual Work Plan by the Authority, the Executive Director shall meet with the City Manager for approval. The Authority shall review the Annual Work Plan as approved by the City and County Managers and shall make recommendations to the City and County for

its approval and adoption. Upon the adoption of the Annual Work Plan by the City or County, the Executive Director shall regularly meet with the City and County Managers to review the progress of the implementation of the Annual Work Plan.

2. Annual Affordable Housing Guidelines. The Executive Director shall review the Affordable Housing Guidelines when necessary , including updates and recommendations for changes every year that:

a. Identifies category qualifications for ownership and rental housing within the City and County for the population segments identified by the Authority as required by existing agreements and land use regulations.

b. The Authority shall review the Affordable Housing Guidelines, including deletions and additions, submitted to it by the Executive Director. Final approval by the APCHA Board shall be brought forward in a resolution with public comment through a public hearing process. The resolution will be brought forward to the City Council and the BOCC for their review. There shall be an appeals process via a Call-up Procedure as stated below:

- Call-up and Notice to City Council and the Board of County Commissioners. Following the adoption of an APCHA Board resolution approving changes and/or additions to the Affordable Housing Guidelines, notification will be provided to the City Council and the Board of County Commissioners. The notification shall consist of a description in written form of the change and/or addition and the reasoning behind the change and/or addition. As soon as it can be scheduled, the notification shall be placed on the Consent Agenda of a regular City Council meeting and a Memorandum of Interest shall be provided to the Board of County Commissioners containing the same language.
- The City Council and the BOCC will have 60 days from the date that the information was provided to the respective entity. If a call-up is not requested within the 60 days, the policy will be incorporated into the Guidelines.

3. The Housing Authority. The Authority shall meet monthly to conduct its business in accordance with the Colorado Open Meetings Law, Sections 24-6-401, *et seq.*, C.R.S. and the City of Aspen Municipal Code. The Authority shall be responsible for the following duties:

a. To act as affordable housing advocates in all of its business by representing the views and perspectives of the larger communities of the City and County and translating those views and perspectives into concrete recommendations to the City and County; and

b. To review and make recommendations to the City and County with respect to the Annual Work Plan, Housing Guidelines, Affordable Housing Action Plans of the Aspen Area Community Plan, any Affordable Housing Strategic Plans adopted by the City or County, and advise on any other affordable housing related matters referred to it by either the City or County; and

- c. To review specific development proposals initiated by the City or County and make recommendations thereon upon the request of either the City or County; and
 - d. To assist the City, County, and Executive Director, upon request, to define the need, planning, undertaking, construction, operation, or financing of low, lower moderate, upper moderate, middle and upper middle income housing for the population segments designated here or identified by the Authority residing in or needing to reside in the City or the County; and
 - e. To assist the City, County and Executive Director, upon request, to plan, finance, acquire, construct, reconstruct or repair, maintain, manage, and operate housing projects pursuant to the Annual Work Plan; and
 - f. To assist the City, County and Executive Director, upon request, to purchase, acquire, obtain options, hold; lease (as lessor or lessee), sell, or otherwise dispose of any real or personal property, commodity, or service from firms, corporations, the City, the County, other governmental entities or any other persons; and
 - g. To assist the City, County and Executive Director, upon request, to investigate housing needs within the jurisdiction of the City or the County and the means and methods for improving those conditions; and
 - h. To review growth management policy applications (or equivalent application procedures as the same are developed or established from time to time) by developers for low, lower moderate; upper moderate, middle and upper middle income housing in the City or the County as requested by the respective Community Development Departments of the City or the County for conformance with housing needs; and
 - i. To enforce all aspects of the affordable housing program, including, but not necessarily limited to, deed restrictions, guidelines, and qualifications; and
 - j. To establish a system to hear appeals from the interpretation or implementation of the Affordable Housing Guidelines and issue final administrative determinations on such appeals.
4. The Executive Director. The Executive Director shall be responsible for the following duties in addition to any duties assigned to him or her by the City Manager:
- a. Working closing with the County and City Managers to develop an Annual Work Plan and thereafter implementing said Work Plan under the supervision of the City Manager; and
 - b. Maintaining records of existing low, lower moderate, upper moderate, middle and upper middle income rental or resale restricted housing for the population segments designated herein or identified by the Authority and assure that such housing is used and occupied in accordance with existing City or County development approvals, contracts, or financing requirements; and
 - c. Taking all steps reasonably necessary to assure that all deed restricted units of housing comply with City and County regulations or resolutions concerning rental or resale restricted housing; and

- d. Negotiating contracts as required to provide for management of deed-restricted Authority units (as that term is defined in the Affordable Housing Guidelines as such guidelines are published, modified, amended and supplemented from time to time); and
 - e. To review and recommend establishment of a computerized rental availability record system for use by the City, the County, the population segments designated herein or identified by the Authority and members of the general public; and
 - f. Taking all steps reasonably necessary to provide for marketing and reviewing qualification of applicants for rental deed restricted or for sale affordable housing units, and for marketing, reviewing qualifications of applicants for, and arranging for transfer of title of deed restricted units; and
 - g. Investigating housing needs within the jurisdiction of the City or the County and the means and methods for improving those conditions; and
 - h. To develop and recommend code changes associated with the provisions of the current County Strategic Plan, Housing subsection, or the current Housing subsection of the City's Aspen Area Community Plan (as they are modified, amended and supplemented from time to time); and
 - i. To maintain data indicating housing needs in the City and the County for the population segments designated herein or identified by the Authority.
5. Project Management Services by the City. The City and County acknowledge that the City, because of its current personnel and expertise in construction management, is in a better position than the County to provide construction management services for the development and construction of affordable housing. The City agrees to negotiate in good faith with the County to provide construction management services for County-funded and sponsored affordable housing projects. Said agreements shall be on a case-by-case basis and shall include provisions for scope of services to be provided, reimbursement schedules, management responsibilities, and appropriate indemnification and insurance. The parties hereto agree that the City shall not be required to provide construction management services at any time that the City, in its sole discretion, determines that it does not have the personnel or resources to provide such services.

D. Long-Range Planning.

Housing Strategic Plan: The City and the County, individually or jointly, may periodically adopt a Housing Strategic Plan to assist City, County and Authority in the development of priorities, policies, and implementing actions that maximize affordable housing development. Financial support shall be designated to the City or County based on who is directly benefiting from the effort. The Housing Strategic Plan may include the following:

- Identification of existing community housing needs by type.
- Determination of the potential development of affordable sites located within the jurisdiction of the City or County.
- Evaluation of the economic performance of the City's or County's affordable housing sites and prototype projects and comparisons of their relative costs and benefits.

- Specifications for an affordable housing program and phasing schedule that best meets program objectives consistent with available funding sources and levels.
- Recommendations for strategies and actions that implement the housing development program
- It is agreed that when this document uses the phrase "Housing Strategic Plan" it is referring to either the County Strategic Plan's Housing subsection, or the Housing section of the City's "Aspen Area Community Plan ".

IV. BONDS, NOTES AND OTHER OBLIGATIONS:

- A.** The bonds, notes, and other obligations of the Authority shall not be the debts, liabilities, or obligations of the City or the County unless expressly assumed by the City or the County.
- B.** The City and the County may provide for payment to the Authority of funds from proprietary revenues for services rendered or facilities provided by the Authority, from proprietary revenues or other public funds as contributions to defray the cost of any purpose set forth herein, and from proprietary revenues or other public funds as advances for any purpose subject to repayment by the Authority.
- C.** To carry out the purposes for which the Authority was established, the Authority is authorized to issue bonds, notes, or other obligations payable solely from the revenues derived or to be derived from the function, service, or facilities of the Authority or from any other available funds of the Authority. The terms, conditions, and details of said bonds, notes, and other obligations, the procedures related thereto, and the refunding thereof shall be set forth in the resolution authorizing said bonds, notes, or other obligations and shall, as nearly as may be practicable, be substantially the same as those provided by law for any of the contracting parties to this Intergovernmental Agreement; except that bonds, notes, or other obligations so issued shall not constitute an indebtedness of the Authority, the City or the County within the meaning of any constitutional, home rule charter or statutory limitation or other provision unless expressly assumed by the City or the County. Each bond, note, or other obligation issued under this subsection shall recite in substance that said bond, note, or other obligation, including the interest thereon, is payable solely from the revenues and other available funds of the Authority pledged for the payment thereof unless expressly assumed by the City or the County and that said bond, note, or other obligation does not constitute a debt of the Authority, the City or the County or within the meaning of any constitutional, home rule charter or statutory limitations or provisions unless expressly assumed by the City or the County. Notwithstanding anything in this Section IV to the contrary, such bonds, notes, and other obligations may be issued to mature at such times not beyond forty (40) years from their respective issue dates, shall bear interest at such rates, and shall be sold at such prices at, above or below the principal amount thereof, as shall be determined by the Board.
- D.** The resolution, trust indenture, or other security agreement under which any bonds, notes, or other obligations are issued shall constitute a contract with the holders thereof, and it may contain such provisions as shall be determined by the Board to be appropriate and necessary in connection with the issuance thereof and to provide security for the payment thereof, including, without limitation, any mortgage or other security interest in any revenues, funds, rights, or properties of the Authority. The bonds, notes and other obligations of the Authority and the income therefrom are exempt from taxation, except inheritance, estate, and transfer taxes pursuant to the Colorado Revised Statutes.

V. LEGAL ASSISTANCE:

Legal assistance for the Authority shall be provided both by the City and County Attorney's Office for specific problems related to Authority programs; subject, however, to the availability of staff time of the respective attorney offices. The Executive Director may retain independent counsel whenever the City or County Attorney's Offices are unable or unwilling to provide legal representation to the Authority. In addition, the Executive Director may retain independent legal counsel, as needed, for day-to-day consultation and legal advice. The City Attorney shall review all contract documents that purport to legally obligate the City in any fashion. The County Attorney shall review all contract documents that purport to legally obligate the County in any fashion.

VI. DISPOSITION OF ASSETS UPON TERMINATION:

In the event of the termination of this Intergovernmental Agreement which termination may only occur in accordance with the requirements and limitations of Section VII hereof, and the resulting dissolution of the Authority, the assets of the Authority shall be distributed as follows:

- A.* All assets acquired from contributions from the City or the County shall be returned to the contributing party if said assets are still in existence.
- B.* If assets contributed to the Authority are not in existence, the contributing party shall have the option of receiving the fair market value of the asset at the time of disposal by the Authority in either cash or assets of the Authority.
- C.* All remaining assets acquired by the Authority after the date of this Intergovernmental Agreement from funds provided by the parties shall be distributed to the parties on the basis of the appraised value of said assets at the time of termination and in the same proportion as the respective contributions of funds by the parties for acquisition of the asset.
- D.* The City and the County may agree to dispose of any assets of the Authority in any other acceptable manner.
- E.* If the City and the County cannot agree on the disposition of any assets of the Authority within sixty (60) days after termination, said assets shall be subject to an independent appraisal and shall be sold at public auction as soon as practicable with the proceeds allocated to the City and the County in the same proportion as the total contribution of funds by the respective parties for acquisition of the asset.

VII. ANNUAL RENEWAL AND TERMINATION:

The term of this Intergovernmental Agreement shall be from the effective date hereof through December 31, 2013, and shall automatically be renewed for successive one-year periods thereafter. Either party hereto may terminate this Intergovernmental Agreement for any reason upon ninety (90) days' written notice, provided, however, that this Intergovernmental Agreement may not be terminated or rescinded so long as the Authority has bonds, notes, or other obligations outstanding, unless provision for full payment of such obligations, by escrow or otherwise, has been made pursuant to the terms of such obligations; provided, however, that if full payment has been provided by escrow, such termination or rescission shall not occur unless nationally recognized bond counsel has delivered an opinion to the effect that such termination or rescission,

in and of itself, will not adversely affect the tax status of the interest on such escrowed obligations. Furthermore, this Intergovernmental Agreement may not be terminated if the Authority has obligations to the U.S. Department of Housing and Urban Development under any Low Rent Public Housing Program, or other similar program, unless those obligations are assumed by the City or the County.

VIII. MODIFICATION OF THIS AGREEMENT:

This Agreement may be modified by written amendment approved by the City Council and Board of County Commissioners, acting separate.

IX. NOTICES:

Any formal notice, demand or request provided for in this Intergovernmental Agreement shall be in writing and shall be deemed properly given if deposited in the United States Mail, postage prepaid to:

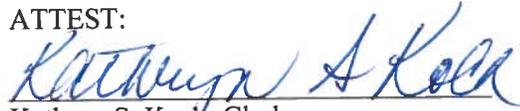
City of Aspen, Colorado
c/o City Manager
130 South Galena Street
Aspen, Colorado 81611

Board of County Commissioners
c/o County Manager
530 East Main Street, 3rd Floor
Aspen, Colorado 81611

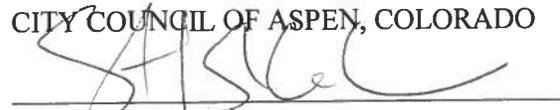
Aspen/Pitkin County Housing Authority
c/o Executive Director
530 East Main Street, Lower Level
Aspen, CO 81611

IN WITNESS WHEREOF, the parties hereto have executed this Intergovernmental Agreement on the day and year first above written.

ATTEST:


Kathryn S. Koch, Clerk

CITY COUNCIL OF ASPEN, COLORADO


Steven Skadron, Mayor

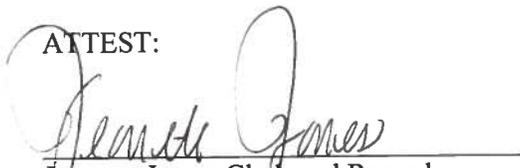
APPROVED AS TO FORM:


James True, City Attorney

BOARD OF COUNTY COMMISSIONERS OF
PITKIN COUNTY, COLORADO


George Newman, Chairperson

ATTEST:


Jeanette Jones, Clerk and Recorder

APPROVED AS TO FORM:


John Ely, County Attorney



TETON COUNTY FEE SCHEDULE: Effective October 1, 2016

Per Idaho State Statute and/or as adopted by the County Commissioners on August 22, 2016

BUILDING PERMIT FEES

AGRICULTURAL BUILDINGS

Agricultural Exempt Building\$40

COMMERCIAL BUILDINGS

Permit Fee0061 x valuation
 Plan Review Fee..... .0012 x valuation
 Mechanical Permit25 x Permit Cost
 Mechanical Review (in house)..... .25 x Plan Review Fee

COMMERCIAL VALUES PER SQUARE FOOT *(used to calculate fees)*

See ICC Building Valuation Data on next page

GENERAL & MISCELLANEOUS FEES

Appeal of Building Official's Decision\$150
 Building Department use of outside consultants
 for Plan Review, Inspection or both..... Actual Costs, *including admin and overhead*
 Fences over 6 feet high\$50
 Inspections for which no fee is specifically indicated \$50/hour *(1 hr min)*
 Mechanical Permit *(wood/pellet stoves, hot water heater, fireplace, furnace, boiler, etc.)* .. \$50 per unit
 Residential Wind & Telecommunication Towers\$250
 Signs (if a permit is required).....\$50
 Solar System Installation\$50
 Temporary residence or use in a permanent structure
 (i.e. dry cabin, recreational cabin, yurt, park model, etc.)\$50
 Type 3 Setting (Detached Pre-Manufactured Accessory Structures, *not pre-built*)\$40
 Work Commencing Without a Permit 25% of Permit

MANUFACTURED/MOBILE HOME INSTALLATION

Type 1 Setting (Full Concrete or Block Foundation).....\$250
 Type 2 Setting (Pier Foundation with Skirting)\$150
 Conversion to U Occupancy\$50

RE-ROOFING\$50

RESIDENTIAL FEE RATE

Permit Fee0061 x valuation
 Plan Review Fee..... .0012 x valuation
 Permit Extension363 x original permit fee

RESIDENTIAL VALUES PER SQUARE FOOT *(used to calculate fees)*

Single Family Dwelling\$108
 Additions *with* Plumbing.....\$108
 Additions *without* Plumbing\$80
 Basement – unfinished\$23
 Basement –finished\$80
 Finishing Basement\$57
 Garage/Barn with foundation\$40
 Carport/Covered Deck\$23
 Shed/Pole Barn.....\$23
 Conversion to residential occupancy.....\$57

International Building Code Council Building Valuation Data

As published February 2014 Building Safety Journal

Group (2012 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	224.49	217.12	211.82	202.96	190.83	185.33	196.14	174.43	167.83
A-1 Assembly, theaters, without stage	205.71	198.34	193.04	184.18	172.15	166.65	177.36	155.75	149.15
A-2 Assembly, nightclubs	177.15	172.12	167.31	160.58	150.83	146.74	154.65	136.68	132.81
A-2 Assembly, restaurants, bars, banquet halls	176.15	171.12	165.31	159.58	148.83	145.74	153.65	134.68	131.81
A-3 Assembly, churches	207.73	200.36	195.06	186.20	174.41	168.91	179.38	158.02	151.41
A-3 Assembly, general, community halls, libraries, museums	173.36	165.99	159.69	151.83	138.90	134.40	145.01	122.50	116.89
A-4 Assembly, arenas	204.71	197.34	191.04	183.18	170.15	165.65	176.36	153.75	148.15
B Business	179.29	172.71	166.96	158.70	144.63	139.20	152.43	126.93	121.32
E Educational	192.11	185.49	180.05	171.90	160.09	151.62	165.97	139.90	135.35
F-1 Factory and industrial, moderate hazard	108.42	103.32	97.18	93.38	83.24	79.62	89.22	68.69	64.39
F-2 Factory and industrial, low hazard	107.42	102.32	97.18	92.38	83.24	78.62	88.22	68.69	63.39
H-1 High Hazard, explosives	101.53	96.44	91.29	86.49	77.57	72.95	82.34	63.02	N.P.
H234 High Hazard	101.53	96.44	91.29	86.49	77.57	72.95	82.34	63.02	57.71
H-5 HPM	179.29	172.71	166.96	158.70	144.63	139.20	152.43	126.93	121.32
I-1 Institutional, supervised environment	177.76	171.50	166.52	159.45	146.31	142.45	159.13	131.29	126.72
I-2 Institutional, hospitals	302.44	295.85	290.11	281.84	266.80	N.P.	275.58	249.09	N.P.
I-2 Institutional, nursing homes	209.38	202.79	197.05	188.78	175.72	N.P.	182.52	158.01	N.P.
I-3 Institutional, restrained	204.27	197.68	191.94	183.67	171.10	164.68	177.41	153.40	145.80
I-4 Institutional, day care facilities	177.76	171.50	166.52	159.45	146.31	142.45	159.13	131.29	126.72
M Mercantile	132.04	127.01	121.20	115.47	105.47	102.39	109.54	91.33	88.45
R-1 Residential, hotels	179.14	172.89	167.90	160.83	147.95	144.10	160.52	132.93	128.36
R-2 Residential, multiple family	150.25	143.99	139.01	131.94	119.77	115.91	131.62	104.74	100.18
R-3 Residential, one- and two-family	141.80	137.90	134.46	131.00	125.88	122.71	128.29	117.71	110.29
R-4 Residential, care/assisted living facilities	177.76	171.50	166.52	159.45	146.31	142.45	159.13	131.29	126.72
S-1 Storage, moderate hazard	100.53	95.44	89.29	85.49	75.57	71.95	81.34	61.02	56.71
S-2 Storage, low hazard	99.53	94.44	89.29	84.49	75.57	70.95	80.34	61.02	55.71
U Utility, miscellaneous	75.59	71.22	66.78	63.37	56.99	53.22	60.41	44.60	42.48

COPIES, COMPUTER PRINT-OUTS and BANK FEES

There is no charge for the first 100 pages of a public record, per IC 74-102(10)(a)

B&W: Letter & Legal	\$0.10
B&W: 11 x 17	\$0.25
Color: Letter & Legal	\$0.75
Color: 11x17	\$1.50
Plats & Cadastral Maps: All sizes	\$4
Recorded or Filed Documents (as set by State Statute and Judicial Order)	\$1 per page
Returned Check Charge	\$20
Public Records Requests (no charge for first 2 hours)	\$25 per hour

COURT FEES (as set by state statute or listed below)

Court Technology Fee (per credit card transaction)	\$3
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DIGITAL DATA & GIS FEES

Data CDs, DVDs, Emails	\$3
Remote Access, set-up fee	\$350 per computer terminal (+\$65/hr if more than 2 hrs)
Remote Access, annual fee	\$750 per office +\$50 per computer terminal
17 x 22 Map	\$8
22 x 34 Map	\$12
34 x 44 Map	\$15
Custom Mapping	(if staff is available) \$65 per hour

FAIRGROUND RENTAL RATES

Fair Building, including kitchen	\$25/hour, \$250/day
Fair Building, propane heater	\$4/hour
Fair Grounds, including moveable bleachers and picnic area	\$25/hour, \$250/day
Picnic Area, exclusive private use	\$15/hour, \$150/day
Pavilion & Outdoor Arena, exclusive non-commercial use	\$25/hour, \$250/day
Pavilion & Outdoor Arena, exclusive commercial use for lessons, clinics	\$50/hour, \$500/day
Pavilion & Outdoor Arena, for-profit events, includes cook shack	\$400/event* +10% of gate
*If arena floor is altered due to rental, there is a \$300/day charge until arena is returned to its original condition.	
Pavilion & Outdoor Arena, non-ag commercial users, subject to Fair Board approval	\$1,500/day

Outdoor Arena Sound System.....	\$50/day or event
Lights, Pavilion	\$10/hour
Lights, Outdoor Arena.....	\$20/hour

JUVENILE JUSTICE

Diversion Program	\$20/month
Formal Probation	\$35/month
Drug Testing & Electronic Monitoring	actual cost

LICENSES

Beer, not for consumption on premises	\$25
Beer, for consumption on premises	\$75
Beer, draft, bottled, canned, for consumption on or off premises	\$100
Beer & Wine, for consumption on premises, one day only	\$20
Catering Permit	\$20
Dog Breeders License	\$100
Dog License (neutered)	\$7.50
Dog License (intact).....	\$32.50
Liquor, by the drink, for consumption on premises	25% of fee charge by State
Wine, by the drink, for consumption on premises.....	\$100
Wine, bottled, for consumption on or off premises	\$100

PLANNING & ZONING FEES

Appeals.....	\$475
Area of City Impact (Driggs): Appeals	\$605
Area of City Impact (Driggs): Boundary Adjustment	\$284
Area of City Impact (Driggs): Conditional Use Permit	\$1,000
Area of City Impact (Driggs): Financial Surety Administrative Processing	\$50
Area of City Impact (Driggs): Lot Split	\$284
Area of City Impact (Driggs): Plat Amendment, Insignificant.....	\$450
Area of City Impact (Driggs): Plat Amendment, Substantial	\$2,015
Area of City Impact (Driggs): Subdivision (2 lots).....	\$2,826
Area of City Impact (Driggs): Subdivision (3-9 lots).....	\$3,753
Area of City Impact (Driggs): Subdivision (10-25 lots	\$7,323
Area of City Impact (Driggs): Subdivision (26-99 lots).....	\$19,729
Area of City Impact (Driggs): Subdivision (100-399 lots).....	\$37,234
Area of City Impact (Driggs): Subdivision (400+ lots).....	\$50,263 +\$84 per lot
Area of City Impact (Driggs): Variance	\$1,131
Area of City Impact (Driggs): Zone Change, <5 acres	\$1,936
Area of City Impact (Driggs): Zone Change, 6-20 acres	\$2,416
Area of City Impact (Driggs): Zone Change, >20 acres	\$2,896
Boundary Adjustment.....	\$206
Boundary Adjustment, Survey Resubmittal	\$103
Conditional Use Permit	\$1,260
Development Agreement Extension	\$326
FEMA Application	Actual Cost
Financial Surety Administrative Processing.....	\$50
Floodplain Development Permit.....	\$35
Home Occupation Permit, First two years	\$75
Home Occupation Permit, 2-year renewal.....	\$50
Legal Notice Re-advertise	Actual Cost
One Time Only Lot Split.....	\$206
One Time Only Lot Split, Survey Resubmittal.....	\$103
Permitted with Conditions	\$268
Plat Amendment, Insignificant	\$395
Plat Amendment, Substantial (increase or decrease in scale)	\$1,700
Property Inquiry	\$150
Recording Time Extension	\$326
Scenic Corridor Application.....	\$200
Sign Permit.....	\$1 per s/f (\$10 Min. & \$50 Max)
Subdivision (01) All Sizes.....	See Below

Concept, 10%; Preliminary Plat, 60%; Final Plat, 30%

Subdivision (2)	2 Units	\$1,000
Subdivision (3)	3-7 Units	\$2,139
Subdivision (4)	8-19 Units	\$5,705
Subdivision (5)	20-49 Units	\$12,360
Subdivision (6)	50-79 Units	\$16,322
Subdivision (7)	80-119 Units	\$21,392
Subdivision (8)	120-149 Units	\$27,255
Subdivision (9)	150-199 Units	\$34,069
Subdivision (10)	200-299 Units	\$41,675
Subdivision (11)	300-399 Units	\$50,232
Subdivision (12)	400 Units	\$61,800
Subdivision (13)	cost per Unit greater than 400	+\$75
Subdivision Extension	all other application fees must be current	\$326
Surveyor/Engineer/Floodplain/NP, Third Party Review	Actual Cost	
Survey Review Fee: OTO, Boundary Line Adjustment & Plat Amendment		\$200
Survey Review Fee: New Subdivision		\$350
Temporary Use Permit		\$75
Vacation		\$1,100
Variance		\$676
Zone Change, <5 acres		\$1,215
Zone Change, 6-20 acres		\$1,877
Zone Change, >20 acres		\$2,357

PUBLIC RECORDS REQUESTS *(pursuant to Idaho Code 9-337 through 9-350)*

Copies will be charged as listed above *(County staff cannot perform records searches)*

Labor required to fulfill requests *(in excess of 2 hours)*..... \$25 per hour

ROAD & BRIDGE: Permit to Work Within a County Right-of-Way *(Approach Permit)*

Single Residence

Subdivision or Commercial Building..... \$60 per approach

RECORDING FEES *(Set by Idaho Statute 31-3205)*

For recording every instrument, paper or notice, for the first page.....\$10

For each additional page

For copies of any record or paper, for each page

Releasing or Assigning more than one document within the same instrument..... \$1 each

A page shall not exceed 14" in length nor 8.5" in width. Each page shall be typewritten or be in legible writing.

The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted above for a page shall be two cents (2¢) per square inch.

SHERIFF'S FEES

Civil Processing, Service.....\$35

Civil Processing, Return.....\$35

Burglar Alarm, new permit

Burglar Alarm, annual renewal

Burglar Alarm First false alarm, \$25; second false alarm, \$75; third false alarm, \$125

Fourth or more false alarms, \$175; hearing/appeal, \$200

Concealed Weapons Permit *(new permits)*

Concealed Weapons Permit *(renewals)*.....

Other Sheriff's Fees

SOLID WASTE FEES

SOLID WASTE FEE *(collected with property taxes)*

\$14 per vacant parcel

\$97 per residential/commercial parcel w/structure

\$0 per well lot, open area, park, pathway, wasteland and vacant "exempt" parcel

CREDIT APPLICATION FEE

TIPPING FEES BY WASTE TYPE *(There is a \$10 minimum charge unless noted below.) If a fee is calculated by weight, persons weighing more than one waste type will be charged the higher rate. Tipping Fees will be waived for trash picked up by persons or agencies participating in clean-up activities approved by the Board of County Commissioners.*

Household Waste, 130 lbs or less (or 5 bags)

Household Waste, over 130 lbs.....

Non-Household, Unsorted Waste.....	\$210 per ton
Sorted Waste, up to 350 lbs	no charge
Sorted Waste, more than 350 lbs.....	\$15 per ton
Dead Animal Waste	\$15 per ton
Small Household Appliances	\$76 per ton
Large Household Appliances with Refrigerant	\$15 each
Tires: Car & Light Truck	\$5 each
Tires: Truck.....	\$10 each
Tires: All others and more than five	\$125 per ton
Credit/Debit Card Convenience Fee	\$1 per transaction

VEHICLE ADMINISTRATIVE FEE (collected by DMV)\$4.50

TETON COUNTY SHERIFF'S FEES					
Effective 10-01-2015					
	SERVICE	RETURN		SERVICE	RETURN
Accident Reports	\$.10/Page	n/a	Record Notice of Levy	Cost	Cost
Additional Posting, Each	\$15	n/a	Notice of Pay Rent/Quit	\$35	\$35
Affidavit & Order	\$35	\$35	Notice of Sale, First	\$15	n/a
Arrest, Criminal	n/a	n/a	Notice To Quit/Vacate	\$35	\$35
Assistance, Writ of	\$35	\$35	Notice, Landlord Tenant	\$35	\$35
Attachment, Writ of	\$35	\$35	Order for Appearance	\$35	\$35
Bond, for Taking of	\$15	n/a	Order to Show Cause	\$35	\$35
Cancellation of Service	\$25	n/a	Posting (Sale Notice)	\$15	n/a
Certificate of Redemption	\$20	n/a	Posting Additional Notice	\$15	n/a
Certificate of Sale (Personal Property)	\$25	n/a	Preliminary Injunction	\$15	\$15
Certificate of Sale (Real Property)	\$25	n/a	Real Property – Levy & Sale	\$35	\$35
Certified Mail	Cost + \$7	n/a	Registered Mail	Cost	Cost
Claim & Delivery/Writ Possession	N/A	n/a	Sale Notice	\$15	n/a
Commission without Levy	\$150	n/a	Serve Affidavits &/or Notice	\$35	\$35
Commission with Levy	\$175	n/a	Serve Notice of Levy/Recorder	\$35	n/a
Commissioner of Insurance	\$30	\$30	Serve SIC with Writ	\$35	\$35
Complaint	\$35	\$35	Serve Undertaking	No Charge	No Charge
Court Commit/Jail Stay (per day)	\$25	n/a	Sheriff's Deed	\$35	n/a
Criminal Summons	No Charge	No Charge	Small Claims & Order	\$35	\$35
Cross Complaint	\$35	\$35	Small Claims w/o Order	\$35	\$35
Earnings Withholding order	\$35	\$35	State Auditor Requires	\$15	n/a
Eviction (Writ of Possession)	\$35	\$35	Summons & Complaint	\$35	\$35
Execution, Writ of	\$35	\$35	Summons & Petition	\$35	\$35
Federal Court Process (government)	No Charge	No Charge	Summons/Juror	n/a	n/a
Federal Court Process (individuals)	\$35	\$35	Support Affidavits and/or Notices	No Charge	No Charge
Finger Print Cards (each)	\$20	\$20	Temporary Restraining Order	\$20	No Charge
Garnishment (all types)	\$35	\$35	Tenant 3-day Notice	\$35	\$35
Incident Reports	\$.10/Page	n/a	Three Day Notice Quit/Rent	\$35	\$35
Injunction & Injunction Pendente Lite	\$35	\$35	Three Day Notice to Quit	\$35	\$35
Interim Return	n/a	\$15	Undertaking/Bond	\$35	\$35
Keeper's Receipt	n/a	n/a	VIN Inspection	\$5	n/a
Moving & Storage	\$3,000 min	n/a	Warrant Bench (Civil)	\$25	\$25
Not Found Return	\$35	\$35	Warrant of Distraint	\$35	\$35
Notice of Entry of Sister State	\$35	\$35	Writ & Undertaking	\$35	\$35
Notice of Levy	\$35	\$35	Writ (All Types)	\$35	\$35



FROM: Teton County Building Department
TO: Public
RE: Demolition Permit
DATE: April 26, 2016

Teton County Code (Title 6), Idaho State Code (39-4111) and the International Building Code, allow Teton County to require the issuance of a building permit before any structure may be constructed, moved, installed or enlarged.

Section 104.1 of the 2012 IBC describes the duties of the building official as: *The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.*

IRC: R101.2-

The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses...and their *accessory structures*.

IBC: 101.2 Scope.

The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

To this effect, Teton County hereby establishes a “building demolition permit” with the following policy.

The purpose of a demolition permit is to ensure that the lot is clear of debris and other health hazard material, structures are dismantled or demolished without putting life or property at risk, putting the county at risk due to the disposal of public waste, and ensure the utility connections have been plugged and sealed properly.

1. A Teton County Building Demolition Permit is required when razing or demolishing any structure over 200 sq. ft. that has two or more utilities connected or installed (gas, propane, electricity, water, sewer, etc.)
2. It is required that all utilities be disconnected prior to the demolition of a building. Each service provider must provide a signature on the application or notification to the Teton County Building Department that the utilities have been turned off and/or capped properly.
3. Municipal Solid Waste (MSW) and Household Materials must be removed prior to demolition of trailer houses and building structures before disposal in the county construction and demolition pit.
4. It is required that all buildings to be demolished be inspected by a licensed engineer and/or asbestos inspector prior to demolition. In addition to that inspection, NOTIFICATION OF DEMOLITION AND RENOVATION form or a signed/stamped letter from the engineer/inspector must be:
 - A. Submitted with the application for a demolition permit
 - B. On file at the Transfer Station prior to the Transfer Station being able to accept material from the demolition site.
 - C. The asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) require owners and contractors to notify state and local agencies and/or their regional EPA office before all demolitions, or before renovations of buildings that contain asbestos above a certain threshold level. Residential buildings having four or fewer dwelling units are exempt from this notification.



FROM: Teton County Building Department
TO: Public
RE: Reroofing Permit
DATE: April 26, 2016

Teton County Code (Title 6), Idaho State Code (39-4111) and the International Building Code, allow Teton County to require the issuance of a building permit before any structure may be constructed, moved, installed or enlarged.

Section 104.1 of the 2012 IBC describes the duties of the building official as: *The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.*

IRC: Section R907 Reroofing

R907.1 General.

Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9.

IBC: Section 1510 Reroofing

1510.1 General. Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15 of the International Building Code.

To this effect, Teton County hereby establishes a “Reroofing permit” with the following policy.

The purpose of a reroofing permit is to ensure that the reroofing of a structure is done in the safest manner possible to not put life or property at risk. Teton County has higher snow loads than many parts of the country, and as such there is concern that the additional weight of a roofing layer may exceed the carrying capacity of the roofing system. In addition there is concern that older roof coverings were not installed with adequate or any water/ice barrier material. These concerns, and the potential risks justify the need for a “Reroofing Permit” with the following criteria.

1. A permit is not required for the replacement of 10% or less of the roof area.
2. A permit is not required if an additional layer added to the original layer (2 total layers) and engineered plans show the additional layer will not exceed the carrying capacity of the roof structure.
3. A residential Building Permit and engineered plans are required for re-roofs involving structural elements including but not limited to, additions or modifications, roof sheathing, skylights, change of roof pitch, addition or relocation of mechanical units or installation of heavier materials than were previously installed.
4. The following three (3) inspections are the most that may be required-
 - a. Pre-Construction:
 - i. Prior to the installation of an additional layer of roofing material over an existing layer(s); or
 - ii. After the removal of all existing roofing material and underlayment & prior to re-covering; or
 - iii. Prior to installing roof coverings on all roofs having a slope of 2:12 or less.
 - b. Nailing or Progress Inspection:
 - i. Where the existing roofing material is being completely removed and replaced, and the underlying sheathing is being replaced or added over skip sheathing, a nailing inspection is required prior to any roofing materials being placed; or
 - ii. Where an additional layer of roofing material is placed over an existing layer, a progress inspection is required.
 - c. Final:
 - i. Final inspection when all work is complete

COMMUNICATION UPDATE. Ms. Wolgamott reviewed her update, including the most recent version of the document outlining the current status of the Commissioners' Priorities (Attachment #9). She is working on articles for the May e-newsletter and will begin tracking the time she spends on those newsletters. The Wyoming Commissioners have confirmed their May 23 meeting in Idaho; an agenda needs to be prepared.

FY 2017 SALARY SCHEDULE. The Board discussed the Clerk's memo (Attachment #10) and the process for determining equity raises. They decided to modify their March 28 decision and asked the Clerk to utilize a formula that gets employees to 95% of the Market Rate after three years and to 100% after five years. They also agreed it was important that everyone understand that equity raises are intended to apply only to employees considered to be "Fully Competent."

COMMITTEE REPORTS. Chairman Leake attended the Council of Governments meeting April 7. The three mayors and School Board Chairman also attended. The group approved appointing Driggs employee Doug Self as Teton County's non-voting representative on the START bus Board of Directors, as proposed by Driggs Mayor Hyrum Johnson. However, Commissioner Riegel said this position was discussed during the March 23 meeting in Victor. At that time, the group discussed whether the ex officio START Board member should be an elected official, volunteer or employee. They reached no clear conclusion about how that person should be appointed. She agreed to talk with Mayor Johnson to discuss the need for a process to identify the best candidate for this position and to also understand the duties and term for the county's new representative on the START Board.

Chairman Leake said the COG also discussed affordable housing. The School Board Chairman pointed out the fact that affordable housing cannot be built due to the basic costs of construction labor and materials, utility hook-ups and land. Therefore, he wondered why the County was trying to attract new businesses when it was not possible to provide housing for the existing workforce. The group discussed what might be done to encourage Jackson Hole businesses to invest in affordable housing in Teton County. Chairman Leake intends to discuss the possibility of refocusing the efforts of TVBDC toward affordable housing.

Chairman Leake said the COG also discussed the need to think about visitor overload this year and especially next year around the period of the August 21 solar eclipse. The Board agreed the Chamber of Commerce and Emergency Manager should be encouraged to start planning for a very large, temporary influx of visitors during the 2017 solar eclipse.

● **MOTION.** Commissioner Park made a motion to approve the claims as presented. Motion seconded by Commissioner Riegel and carried unanimously.

General Fund.....	81,108.03
Road & Bridge	19,178.29
Court & Probation.....	67,465.26
Court-Restitution	8,887.17
Elections-State	2,601.14
Indigent.....	\$690.91
Solid Waste.....	41,028.74
Weeds.....	13,936.43
E911	5,977.78
Ambulance.....	38,767.00
Mosquito Abatement District	20,850.32
Fairgrounds & Fair.....	616.26
Grants.....	219.18
TOTAL	\$301,326.51

The meeting recessed at 11:40 so the Commissioners could participate in the annual Criminal Justice meeting and Teton County Drug Court Governing Board meeting. The meeting resumed at 3:43 pm.

4:03 pm **PUBLIC HEARING: New Fees**

Chairman Leake said the purpose of this hearing was to discuss four new fees proposed by Planning Administrator Jason Boal (Attachment #10). Mr. Boal said the \$50 Demolition Permit and the \$50 Re-Roofing Permit had been

recommended by the Building Official in order to be certain that demolition materials are properly disposed of, especially asbestos, and that additional roofing layers did not create un-safe loading. Both permits would require an on-site inspection. Mr. Boal said the \$150 parcel inquiry fee was intended to cover the County's expense to perform a records search to determine parcel buildability status. The Parcel Rectification Plat Approval fee would only become effective upon approval of the proposed ordinance.

Chairman Leake opened the meeting for public comment at 4:11 pm. No one spoke in favor of, or neutral to, any of the new fees.

The following persons spoke in opposition to the new fees:

-Mark Ricks said it was not fair to charge a property owner to find out what regulations had been placed on his land.

-Harley Wilcox said the demolition and re-roofing permits were not necessary and questioned the degree to which we needed to protect ourselves from ourselves. He said the need for parcel inquiries has placed a huge burden on the real estate industry.

-Roger Vogetlin said the County has too many fees.

-Roger Brink said folks are upset about the buildability problem and don't want to pay any more.

-JoAnn LaBelle said the parcel inquiry fee would be discriminatory because citizens should be able to trust the actions of County officials.

The public comment period ended at 4:32 pm.

Mr. Boal provided a rebuttal. He said the State of Idaho and Teton County have adopted the uniform building code, which recommends the two new permits. Heavy asphalt shingles could cause a problem due to the County's heavy snow loads. The purpose behind a demolition permit is to insure that no hazardous materials are delivered to the landfill. Regarding the property inquiry fee, Mr. Boal said he would like to continue providing the service, but lacks the necessary staff resources. The new fee would provide funds to increase staff hours.

Commissioner Riegel said it was interesting to hear opposition to the property inquiry fee since the County was simply trying to find a solution, other than hiring an expensive attorney, for people needing to clarify the status of their parcels. She said the proposed new Parcel Rectification Ordinance would provide a process for obtaining building rights that would be simpler and less expensive than going through the subdivision process. Chairman Leake said he didn't think taxpayers in general should pay the cost of research services needed only by certain property owners. Commissioner Park would like to get to the bottom of the unbuildable parcel problem but is opposed to the fee. Prosecutor Spitzer said the vast majority of buildability issues have nothing to do with mistakes by county employees. Mr. Boal said the County could consider giving a future \$150 credit on building permits for parcels with previously-researched buildability status.

Commissioner Park said he was against all four of the proposed new fees.

Commissioners Riegel and Leake discussed the need for re-roofing and/or demolition permits, and whether those permits would be more appropriate only for larger structures, or only for habitable structures or residences. They thought it would be helpful to know if such permits were required by the cities.

● **MOTION.** Chairman Leake made a motion to continue the public hearing for fees until 1 pm on Monday, April 25, at which time the re-roofing, demolition and parcel inquiry fees would be discussed further, but to end consideration of the parcel rectification plat fee until the new ordinance is adopted. Motion seconded by Commissioner Riegel and carried, with Commissioner Park opposed.

AMBULANCE SERVICE DISTRICT

● **MOTION.** At 5:25 pm Chairman Leake made a motion to recess the Commissioner meeting until 4 pm on Tuesday, April 12 and to convene as the Teton County Ambulance Service District. Motion seconded by

MISDEMEANOR PROBATION & TETON DRUG COURT ADMINISTRATION

Shay Plaggman and Ryan Brown from Tri-County Probation, along with Magistrate Judge Jason Walker, Trial Court Administrator Burt Butler, Deputy Prosecutor Chris Lundberg and Juvenile Probation Office Renee Liedorf met with the commissioners to discuss the future of Teton County's probation.

Judge Walker supports a county-based probation office, or continuing with Tri-County, provided the service is properly run and fiscally responsible. If the county operates its own misdemeanor probation program, Drug Court coordination services could continue being provided through Tri-County, or else by a different contractor. Judge Walker said other factors, including the declining number of probationers, should be considered. He wondered if a combined misdemeanor and juvenile probation department could allow for cross-training and case-load balancing. He believes Ms. Liedorf is currently being under-utilized due to her small case load.

Mr. Brown provided a brief history of Tri-County Probation services, budget and drug testing lab (Attachment #11). If Teton continues with Tri-County for FY 2017, he said the County's contribution would be \$58,265, which compares to the \$67,000 paid this year. Tri-County also receives all fees paid by Teton probationers.

The Board said they would prefer a probation officer residing in Teton County since the current situation results in the Tri-County officer occasionally being paid for up to 4 hours a day commute time. The Board would also would like a resident officer in order to assist the JPO when needed and provide a presence in local schools. If Tri-County can provide a resident probation officer, the Board is willing to remain a partner.

The group agreed that Tri-County should either hire a Teton County resident, or find an existing employee willing to move. The Board decided to continue with Tri-County for FY 2017, with the expectation of changes being implemented during the next 6-12 months. They asked Ms. Liedorf and Mr. Lundberg to prepare a document itemizing the issues and concerns requiring improvement. Commissioner Park will direct any feedback regarding the current probation officer to the Tri-County Board. The Board would like to meet with Tri-County representatives again within a few months to discuss progress towards the desired improvements. If significant improvements are not in place by February 2017, the Board will reconsider the idea of the County having a stand-alone probation program.

1: 36 pm **PUBLIC HEARING** *(Continuation of 4-11-16 hearing for new fees)*

The Board continued discussion of the three new fees being proposed: Demolition Permit, Re-Roofing Permit and Parcel Inquiry. Commissioner Park opposes the demolition fee because folks will also be charged a fee when demolition items are delivered to the transfer station. Furthermore, he does not perceive any need for an inspection to occur to be sure the demolition is properly done. Solid Waste Supervisor Saul Varela described the concerns related to hazardous waste materials. He said the County becomes liable for all materials accepted at the transfer station. Chairman Leake supports the permit, but not the fee. Commissioner Riegel believes there should be at least a \$25 fee in order to hold the owner accountable for following the proper process and cover some of the cost.

● **MOTION.** Chairman Leake made a motion to institute a demolition permitting process with no fee. Motion seconded by Commissioner Park and carried with Commissioner Riegel opposed due to the lack of a fee.

● **MOTION.** Commissioner Riegel made a motion to add a new \$50 re-roofing fee to the Teton County Fee Schedule effective April 25, 2016. Motion seconded by Chairman Leake and carried with Commissioner Park opposed.

● **MOTION.** Commissioner Riegel made a motion to add a new \$150 property inquiry fee to the Teton County Fee Schedule effective April 25, 2016. Motion seconded by Chairman Leake and carried with Commissioner Park opposed.

The public hearing ended at 2:35pm.

● **MOTION.** Commissioner Riegel made a motion to approve Resolution 2016-0425 updating the County Fee Schedule effective April 25, 2016 by adding a re-roofing permit fee of \$50 and a property inquiry fee of \$150. Motion seconded by Chairman Leake and carried with Commissioner Park is opposed. (Attachment #13)

The Board agreed that the current 8-hour per week planning clerk position should become a full-time position and be funded within the existing budget.

ADMINISTRATIVE

● **MOTION.** Commissioner Park made a motion to approve the minutes of April 11, continuation minutes of April 12 and special meeting minutes of April 18, 2016 as presented. Motion seconded by Commissioner Riegel and carried unanimously.

● **MOTION.** Commissioner Park made a motion to approve the application for a polling place accessibility grant. Motion seconded by Commissioner Riegel and carried unanimously. (Attachment #14)

● **MOTION.** Commissioner Park made a motion to approve beer and wine licenses for Huarache Mexican Restaurant LLC and Raven Golf Services LLC. Motion seconded by Commissioner Riegel and carried unanimously.

Executive Assistant Holly Wolgamott reviewed her communications update (Attachment #15).

The board agreed to support the START letter presented by Driggs Mayor Hyrum Johnson, as revised by Commissioner Riegel, to recommend Doug Self as an interim liaison to the START Board while working toward an application and approval process for an advisory board member from Teton County, Idaho. (Attachment #16)

Teton County Wyoming has come up with a list of items to discuss for the upcoming May 23 lunch meeting. Chairman Leake asked to add transportation to the list.

An emergency management drill will take place May 15 and Ms. Wolgamott would like to use social media by sending a practice communication to the public which would clearly state, "This is a Drill." Chairman Leake expressed concern that the public will misconstrue the information. Mr. Adams will be alerted to Chairman Leake's concerns.

COMMITTEE REPORTS. Chairman Leake attended the April 12 meeting of the Eastern Idaho Community Action Partnership where the Head Start program was discussed. Family volunteer hours are required for funding, but not enough parents are volunteering. He attended the April 21 meeting of the Teton Valley Business Development Center and said consolidation efforts are continuing to progress, with a June completion date expected. Funds have been requested from the Community Foundation to assist with legal expenses.

Commissioner Park attended a meeting of Tri-County Probation and a meeting of Five C Juvenile Detention. The 5C policy regarding accepting Federal juveniles has been changed because those clients have been too difficult to manage.

Commissioner Riegel attended the April 21 meeting of the Teton Water Users Association. This group was formed in response to ongoing discussions in the Henry's Fork Watershed Council meetings regarding aquifer recharge. They discussed irrigation practices and maintaining water longer in the valley.

Commissioner Riegel attended a Teton Area Advisory Forum meeting and discussed how TAAF might facilitate discussions between Teton County Idaho and Teton County Wyoming regarding housing and transportation. Regional Planning was also one of the topics.

● **MOTION.** At 4:15 pm Chairman Leake made a motion for Executive Session to discuss personnel matters pursuant to IC 74-206(1)(b). Motion seconded by Commissioner Riegel and roll call vote showed all in favor.

CHAPTER 9

SIGNS:

SECTION:

8-9-1:	Purpose; Intent
8-9-2:	Applicability
8-9-3:	Permit Required
8-9-4:	Design and Construction Standards
8-9-5:	Sign Removal
8-9-6:	Appeal
8-9-7:	Variance Procedure

8-9-1: PURPOSE; INTENT: The purpose of this chapter is to allow the reasonable display of signs to identify homes, public buildings, cultural, professional and business establishments and to advertise products and services for the information and convenience of the people and the flourishing of enterprise. This chapter sets forth uniform standards for the fabrication and placement of signs in the county with the intent of making it easier and less costly for businesses and individuals to have their messages seen while preserving the character of the community as described in the county comprehensive plan.

8-9-2: APPLICABILITY:

A. SIGN DEFINED: For the purposes of this chapter, the term “sign” shall mean a display of letters, numbers, illustrations, symbols, lights or devices erected to attract attention to the subject matter for advertising purposes.

B. SCOPE: This chapter regulates all exterior signs, permanent or temporary, and interior signs intended to be visible from outside the buildings, in which they are installed, within the county, outside the city limits of Victor, Driggs, and Teton, with the exception of the types of signs listed in the following subsection.

C. EXEMPTIONS: Signs exempted from regulation are:

1. Official Signs: Traffic signs, guidance signs, welcome signs and official notices placed by a public agency;
2. Private Traffic Signs: Private traffic signs that are similar in design and size to the official signs and do not confuse the intent and operation of the official signs;
3. Individual, Nonprofit Organization Flags: Flags of individuals and nonprofit organizations are allowed, one each per location, provided they are no larger than 20 square feet in area and are not attached to a sign;

4. Historic: Historic site markers, commemorative tablets and signs that name buildings or give their date of construction;
5. Murals; Sculptures: Murals and sculptures displayed as art and not connected with advertising of a business;
6. Time and/or Temperature: Time and/or temperature signs whereon time and temperature are the only changeable copy and the remaining copy is limited to the sponsor's name;
7. Political: Political campaign signs pertaining to a specific election, provided they are displayed no earlier than 60 days before the election and removed within ten (10) days after the election;
8. Owner/Occupant Identification: Owner or occupant identification signs for residential structures, provided they do not exceed one square foot in area (for example, 6" x 24");
9. Private Warning: Private warning signs up to six (6) square feet in area;
10. Sale, Lease, or Rent: Property owner and/or realtor signs for sale, lease or rental if they do not exceed six (6) square feet in area, one sign per street frontage of property where they are displayed on the property owner's real property; in addition, one directional sign will be allowed for each property noticed for sale. (amended 12/13/2012)
11. Window Display: Window displays of business enterprises;
12. Construction Sites: Construction sites signs up to 24 square feet in area, one sign per street frontage at the site;
13. Informative Signs: "Open/closed", "vacancy/no vacancy", business hours and credit card acceptance signs up to three (3) square feet in area, one sign of each type per frontage at each business location;
14. Special Event: Special event signs where the event lasts no longer than five (5) days;
15. Signs on Vehicle: Signs on a vehicle, provided the vehicle is not left standing in a conspicuous place for the purpose of advertising for more than 72 hours;
16. Temporary Signs or Banners: Temporary signs or banners advertising grand openings (on a one-time basis), sales or events sponsored by nonprofit groups, or garage or yard sales, provided the sign is located entirely on private property and is not supported by structures located on public property. "Temporary" shall mean in place no earlier than 15 days before the event and removed the day after the event.
17. Flags: Flags of the official United States and Idaho state flags.

8-9-3: PERMIT REQUIRED (Amd. 11/15/2012):

- A. REQUIRED; FEE:** It is unlawful to erect, alter or relocate any sign not exempted in subsection 8-9-2 C from these regulations without first obtaining a sign permit from the office of planning and zoning.
- B. FEE:** The fee for a sign permit is one dollar (\$1.00) per square foot of sign area with a minimum of ten dollars (\$10.00) and a maximum of \$50.00 per permit and is subject to change without notice.
- C. APPLICATION:** Applications for sign permits must be accompanied by legible plans or designs and specifications stating clearly the dimensions, structure, materials, colors and lighting, if any, and plan of installation stating clearances and setbacks.
- D. AUTHORITY TO APPROVE:** The planning administrator has the authority to approve any sign permit except for variances and matters of spacing. The planning administrator's decision may be appealed to the planning commission.
- E. SEASONAL SIGNS:** Seasonal signs may be removed for the off-season and reinstalled without a new sign permit, provided they are not structurally altered and they otherwise conform to these regulations. Maintenance and repainting of signs shall not require a new permit.

8-9-4: DESIGN AND CONSTRUCTION STANDARDS:

- A. DEFINITIONS:** The following definitions should be used in interpreting the standards and making permit applications:

AREA: The area of all faces within the perimeter that forms the outside shape of the sign including the frame, but not including the uprights or brackets necessary to support the sign. For the purpose of this chapter, however, a flat sign shall be considered to have the area of one of its faces whether the second face is used or not.

CANOPY SIGN: A sign attached to or constructed in or on a canopy or marquee over a sidewalk or passageway.

DIRECTIONAL SIGN: A sign indicating a route to a location.

- FREE STANDING SIGN:** A sign erected on a supporting framework that is not attached to any building.
- OFF-PREMISES:** Shall be defined as, but not limited to, Idaho Code subsection 40-1910A(2)(a) 1. See also subsection E of this chapter.
- ON-PREMISE:** A sign that advertises the goods, services, and activities on the premises on which the sign is located. All other signs will be considered off-premises signs.
- PREMISES:** That piece of land.
- PROJECTING SIGN:** A sign attached to a building with the sign projecting outward away from the wall.
- SETBACK:** The distance from the sign to the nearest property line.
- TEMPORARY:** A sign in place no earlier than 15 days before the event and removed the day after the event.
- WALL SIGN:** A sign painted on, attached to or erected against the wall of a building with the signs face parallel to the wall.

B. HEIGHT LIMITS:

1. Freestanding Signs: Freestanding signs may be erected to a height no greater than 20 feet above the ground.
2. Wall Signs: Wall signs may extend beyond the wall on which they are displayed no more than one foot (12") in any direction.
3. Projecting Signs; Canopy Signs: Projecting signs and canopy signs may not be less than seven and one-half feet (90") from the ground above which they are suspended.

C. SETBACK REQUIREMENTS:

1. Freestanding Private Signs: Freestanding private signs shall be permitted to stand in public rights of way.
2. Projecting Signs: Projecting signs must be a minimum of 18 inches from a line extending vertically from the nearest street curb, or if the curb is absent, from the property line.
3. Obstruction Prohibited: No signs shall be permitted that obstructs a clear view of traffic control devices from the street.

4. Interference Prohibited: No sign shall be permitted that interferes with a fire escape exit, or standpipe or that obstructs an opening for ventilation or light.

5. Overhead Electrical Conductors: Signs shall be located no less than six feet (72”) horizontally or 12 feet vertically from overhead electrical conductors that are energized in excess of 750 volts unless such conductors are enclosed in an iron pipe or other material of equal strength.

* See subsection E1 of this section for definition of “off-premises outdoor advertising”.

6. Setbacks:

a. Highways: Setbacks from the highway shall be a minimum of 50 feet.

b. Other Roads: Setbacks from other roads shall be a minimum of 35 feet from the edge of the road.

c. Distance from Other Signs: Signs shall not be located any closer than 660 horizontal feet from any other advertising sign.

D. CONSTRUCTION:

1. Conformance Required: Material and construction of all permanent signs shall conform to the standards of the uniform building code adopted by the county.

2. Wind and Seismic Loads: Signs must withstand the wind loads and seismic loads set forth in the uniform building code. Bracing systems shall be constructed to transfer lateral forces to the foundations. Signs on buildings shall transmit dead weight and lateral loads through the structural frame of the building to the ground in a manner that will not overstress any elements thereof.

3. Colors: Colors shall be normal spectrum colors, including shades of tints thereof, plus gold and silver. Fluorescent, loud and/or gaudy colors are prohibited. Reflective finishes may be used for lettering only.

E. OFF-PREMISES SIGNS (amended 12/13/2012):

1. Definition: Idaho Code subsection 40-1910A(2)(a):” Off-premises outdoor advertising” means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform and which is situated in order to be visible from any highway, or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out.

2. Off-Premise Outdoor Advertising Signs: As of January 1, 2013, Teton County sign permits will not be issued for new off-premise outdoor advertising signs along the State of Idaho designated Scenic Byway routes, which include Highways 31, 32, and 33 and Ski Hill Road. The following exceptions apply:

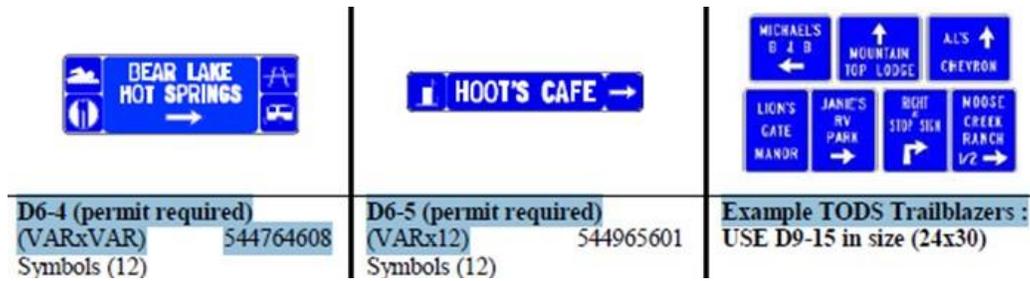
- a. State Approved Single Business Off-Premise Outdoor Advertising Signs that meet State of Idaho Transportation Department dimensional and design standards. These signs are located in the state highway right-of-way and must be approved by the State and also require a Teton County sign permit. These signs are the Idaho Transportation Department Business Panel type signs, which are oriented to the needs of tourists.

			
E10-3 (120x48) 542910344	E10-4 (120x30) 542910443 E10-4A (VARx36) 542910047	E10-5A GAS (60x36) 610000000 Business Panel	E10-5A FOOD (60x36) 610000000 Business Panel
			
E10-5A LODGING (60x36) 610000000 Business Panel	E10-5A CAMPING (60x36) 610000000 Business Panel	E10-5A ATTRACTION (60x36) 610000000 Business Panel	

- b. State Approved Multi-business Signs: Multiple businesses signs advertising two (2) or more off-premise businesses may be permitted within the rights-of way of Highway 31, 32, or 33. The dimensional and design standards of the State shall apply. A sign permit issued by Teton County and approved by the State is required. These signs may include the Idaho Transportation Department Multi-Panel type signs shown below, which are oriented to the needs of tourists.

		
D6-4 (permit required) (VARxVAR) 544764608 Symbols (12)	D6-5 (permit required) (VARx12) 544965601 Symbols (12)	Example TODS Trailblazers : USE D9-15 in size (24x30)

- 3. State Approved Tourist Oriented Directional Signs, as defined by the Idaho Transportation Department, may obtain a permit and be approved by the Idaho Department of Transportation. These signs are legally placed within the state highway right-of way and shall require a sign permit issued by Teton County as well as the State.



F. PROHIBITED SIGNS:

1. Wind-Blown Streamers, Pennants, and Balloons: Wind-blown streamers, pennants, and balloons are prohibited except on temporary signs.
2. Rotating, Swinging or Moving: Rotating, swinging or otherwise moving signs or parts are prohibited.
3. Internally Lit Signs: Internally lit signs or signs with moving or flashing lights or other animated decorations are prohibited unless exempted in subsection 8-9-2 C of this chapter.
4. Neon Lighting: Neon lighting, except inside buildings, is prohibited.
5. Portable Signs: Portable signs (signs not attached to the ground or building) are prohibited except in the temporary situations exempted in subsection 8-9-2 C of this chapter.
6. Changeable Copy Signs: Changeable copy signs are prohibited except the following:
 - a. Time/Temperature Signs: Time/Temperature signs exempted in subsection 8-9-2 C of this chapter.
 - b. Theater Marquee Signs: Theater marquee signs for films, plays and other shows;
 - c. Tavern, Café Signs: Tavern and café signs for changing entertainment, one per establishment;
 - d. Fuel Station: Fuel station price signs, two (2) per station.
 - e. All permitted changeable copy signs must conform to the other regulations of this chapter.

G. PERMITTED SIGNS:

1. Outdoor Posters: Outdoor posters up to 12 square feet in area are permitted if displayed in cases permanently attached to a building or other structure.
2. Subdivision Signs: One on-premises, 32 square foot, permanent, unlit, identification and directional sign shall be allowed for a subdivision.
3. Occupation Signs: Customary residential, professional, and home occupation signs, not to exceed six (6) square feet in area, may be erected in any districts.
4. Information Signs: One on-premise information sign in conjunction with commercial or industrial uses, provided that the surface area does not exceed 32 square feet.
5. Agricultural Businesses: Agricultural businesses are allowed one on-premises sign not larger than 32 square feet.
6. Entry Gate: Entry gate sign shall be permitted for ranch and subdivision identification.
7. Posting Notices: Posting notices may be erected anywhere on a parcel of land, as long as they are spaced no closer than the minimum spacing provided by state laws, and the sign face does not exceed two (2) square feet, i.e., “No Trespassing”, etc.
8. Business Not Located in Shopping Center: One on-premise, permanent sign per street frontage for a business not located within a shopping center provided the surface area does not exceed 32 square feet, 20 in height, and may be lit upon approval.
9. Signs Located On Building: One permanent sign located on a building for the occupant as listed in Table A. The size of a sign is calculated from the linear feet of the occupant’s share of building frontage on street, sidewalk or parking lot.

TABLE A

Occupant’s Frontage In Linear Feet	Sign Area in Square Feet
60	15-30
70	30-45
80	45-60
90	60-75
100	75-90
125	over 90

H. NONCONFORMING SIGNS:

1. Definition: A nonconforming sign is any sign that was in place prior to December 8, 1997, but does not conform to the requirements of this chapter as it may be amended from time to time.
2. Alteration; Relocation; Destruction: Nonconforming signs that are to be structurally altered as to size and shape, relocated, or destroyed by an act of God, or the business nature and/or ownership has changed shall be made to conform at the time of the change and a permit applied for.
3. Continuance of Existing Signs: Each sign that was physically in place prior to December 8, 1997, and which does not conform to the requirements of this chapter, may be continued for a maximum of three (3) years and no longer, this includes, but is not limited to, all lease signs, off-premises signs, and on-premises signs.
4. Spacing or Minor Physical Nonconformity: Preexisting signs with a spacing or minor physical nonconformity may be dealt with as a variance.

I. MISCELLANEOUS:

1. Business Signs: Any business sign can be either single- or double-faced as long as the same business is displayed on both sides.
2. Permanently Closed Business: If any business is permanently closed, any signs pertaining to that business must be removed within 30 days.

8-9-5: SIGN REMOVAL: Any sign deemed defective or dangerous by the building official shall be repaired or removed by the owner within a time period set by the building official, depending on the perceived danger. If the sign is not removed within the designated time the building official shall have it removed and a \$100.00 fine shall be assessed. Any cost incurred in the sign removal that exceeds the fine shall be paid by the owner. Unpaid costs shall be considered a lien against the property.

8-9-6: APPEAL:

- A. RIGHT TO APPEAL:** The sign applicant may appeal the decision of the Planning Administrator, provided the written appeal is filed with Planning Department within five (5) working days after the decision of the Planning Administrator is made. (amd. 2011-05-12)
- B. COMMISSION ACTION:** The Planning & Zoning Commission shall schedule to hear the appeal during their next available regular meeting, but no later than 45 days after the appeal request is received. The Planning and Zoning Commission shall approve, disapprove, or modify the action of the Planning Administrator. (amd 2013-04-11; amd. 2011-05-12)

8-9-7: VARIANCE PROCEDURE: The planning and zoning commission may recommend to the board of county commissioners, as a result of unique circumstances such as topographical – physical limitations, a variance from the provision of this chapter on a finding that undue hardship results from the strict compliance with specific provisions or requirements of this chapter or that application of such provisions or requirements is unpractical.

Signs

1. General Provisions

a. Purpose

This division is intended to provide comprehensive regulations for signs within Teton County and to eliminate confusing, distracting, and unsafe signs while assuring the reasonably efficient transfer of information and enhancing the visual environment of the County. It is declared that the regulation of signs within Teton County is necessary and in the public interest and also relates to the following goals:

- i. To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and the continued economic attractiveness of the County;
- ii. To improve the legibility and effectiveness of signs;
- iii. To allow signs appropriate to the planned character of each zoning district;
- iv. To promote the public safety, welfare, convenience, and enjoyment of the unique rural character of the County;

b. Applicability

- i. No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this Division.

c. Sign Permit Required

- i. All sign types described in Div. 11.3.7 require a sign permit before they may be installed, constructed, reconstructed, altered, or relocated. Signs described in Div. 11.3.5 do not require a sign permit, but must follow applicable standards.
- ii. The following alteration and maintenance activities do not require a sign permit:
- iii. Painting, cleaning, or other normal maintenance and repair of a sign, provided that no change is made to any structural or electronic component of the sign.
- iv. Changing the message of an existing changeable copy of sign, provided that no change is made to any structural or electronic component of the sign.
- v. Any sign that encroaches upon or over a public right-of-way requires an encroachment permit.

d. Permit Application Process

- i. All sign applications shall be submitted to and reviewed by Teton County for compliance with this Division. A sign application must include the appropriate fee plus the following items:
- ii. A completed application using the form supplied by the County;
- iii. For building signs: A building elevation drawn to scale which specifies the location of the proposed new sign, as well as the location and size of any other sign of the same type on the building;
- iv. For freestanding signs, portable signs, and entry feature signs: A site plan drawn to scale which specifies the location of the new sign structure with respect to adjacent structures and property lines;
- v. A scaled drawing of the sign including dimensions of all sign faces, descriptions and colors of materials to be used for sign faces and support

- structures, including detailed specifications for any footers, posts, and hardware, and a detailed sign lighting plan which clearly indicates the location, type, and illumination strength (lumens) of all sign lighting fixtures;
 - vi. Tenants of buildings with multiple occupants must include a copy of the approved overall sign plan and indicate how their proposed sign(s) fit(s) into the approved plan. If the new sign does not conform with the approved sign plan, then the applicant must include an amended sign plan with the building owner's signature;
 - vii. Any other information deemed necessary by the Administrator.
- e. Nonconforming Signs
- i. All nonconforming signs in existence before the effective date of this Code may continue to be used provided they are maintained in a safe manner and are kept in good repair. Minor repair and maintenance of a nonconforming sign is allowed.
 - ii. Nonconforming signs may stay in place until one of the following occurs (except to bring the sign out if its nonconforming condition and into compliance with the requirements of this Division):
 - iii. The sign has damage exceeding 50% of its value immediately prior to the event causing the damage or destruction;
 - iv. The deterioration of the sign makes it a hazard;
 - v. The Administrator will not approve a permit for a nonconforming sign to be:
 - vi. Relocated in any manner;
 - vii. Structurally altered; or
 - viii. For more than 50% of the sign face to be permanently altered.
 - ix. For the purpose of this Division, structural alteration of sign modifies the sign dimensions, height, lighting, or support structure.
 - x. If determined by the Planning Administrator that a nonconforming sign meets the criteria of Div. 11.3.1.E.2, the Planning Administrator will give the owner 30 working days written notice to bring the sign into conformance or the sign will be removed at the owner's expense. In the case where winter weather conditions hinder the removal of said sign, the Planning Administrator will issue a follow up date for the sign to be removed by.
 - xi. Temporary signs (including sidewalk signs) cannot be considered nonconforming and are subject to the requirements of this Division on or after the effective date of this Code.
- f. Location
- i. Off premise, outdoor advertising is prohibited. No sign, other than signs placed by agencies of government or a sign whose placement is authorized by such agencies, may be erected or placed on public property, including streets and the public right of way.
 - ii. No sign shall be located so as to conflict with the clear and obvious appearance of public devices controlling traffic or so as to impede clear vision between a height of three feet and ten feet above the centerline grades of intersecting streets through the area created by drawing an imaginary line

between points 30 feet back from where the curb lines of the intersection meet nor shall a sign obstruct the free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, sidewalk, building entrance, fire escape, or accessibility ramp.

- iii. No sign may be placed so as to obstruct any door.
- iv. Signs must be located so that they do not cover architectural features of a building or structure, including, but not limited to, transoms, insignias, or any other architectural feature.
- v. Signs cannot be painted on or attached to a telephone or utility pole, tree, or traffic sign.

g. Construction

- i. Signs must be constructed of permanent materials and be permanently affixed to the ground or a structure, except for allowed temporary signs (including sidewalk signs).
- ii. If a raceway is necessary, it must not extend in width or height beyond the area of the sign. A raceway must be finished to match the background surface to which it is attached, or integrated into the overall design of the sign.
- iii. Signs that have structural components exceeding 6 feet in height must obtain a Building Permit when they obtain a Sign Permit. The structure will be subject to a plan review as well as any inspections required by the Building Official and appropriate fees applied.

h. Maintenance

- i. Signs must be maintained in good condition at all times and must be kept free of cracked or peeling paint, or missing or damaged components.
- ii. The Planning Administrator may cause to be removed after due notice any sign which shows gross neglect, becomes dilapidated.
- iii. The Planning Administrator will give the owner 10 working days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Planning Administrator will have the sign removed at the owner's expense.
- iv. Multi-Tenant Building and Multi-Business Complexes
- v. A sign plan is required for all multi-tenant buildings and multi-business complexes. The plan must indicate the size and location of all projecting, wall, freestanding, directory, and other signs. Individual tenants of a multi-tenant building or multi-business complex must subsequently receive permits for their individual signs which must conform to the overall sign plan.

2. Signs Not Allowed

- a. All signs not expressly allowed by this Division are deemed not allowed. Signs not allowed include, but are not limited to, the following.
- b. Rotating, moving, or animated signs involving motion or sound, except for clocks.
- c. Any sign with audio speakers or any form of pyrotechnics.
- d. Flashing, blinking, or varying light intensity signs.
- e. Signs that have a scrolling, flashing, or moving message, except those signs constructed by a governmental entity.

- f. Signs that contain or are an imitation of an official traffic sign or signal or other government sign.
 - g. Any reflective or mirrored sign.
 - h. Streamers.
 - i. Inflatable signs, including but not limited to balloons, gas inflated signs, or similar inflated devices.
 - j. Search lights and beacons.
 - k. Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.
 - l. Any sign attached to the roof of a building.
 - m. Any abandoned signs.
3. Heritage Signs
- a. A sign having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered, may be designated as a heritage sign.
 - b. In order for a sign to be designated a heritage sign, the Planning and Zoning Commission must make written findings that the sign is at least 50 years old, and meets at least one of the following criteria:
 - c. The sign has historic character, interest, or value as part of the development, heritage, or cultural characteristics of Teton County.
 - d. The sign is significant as evidence of the history of the product, business, or service advertised.
 - e. The sign embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.
 - f. The sign has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the community.

District	Duration	Size (max)
RA, LA, ARN, FH, RC, RS-	Allowed 14 days	8 sf per allowed sign
CX, DX, CC	Allowed 14 days	8 sf per allowed sign
CIV, REC	Allowed 14 days	8sf per allowed sign
PRS	Not allowed	Not allowed

4. Temporary Signs
- a. The following temporary signs do not require a sign permit but must follow applicable standards.
 - b. Temporary signs must be located on private property with the property owner's consent.
 - c. Temporary signs cannot be located within the public right-of-way.
 - d. Temporary signs cannot be illuminated.
 - e. Specific requirements for temporary signs are listed below.
 - f. No premises may display more than 4 temporary signs per year.

- g. Temporary signs shall have the first date of display affixed to the sign (front or back) at the beginning of each 14 day period.
5. Signs Allowed Without a Permit
- a. The following signs are allowed and are exempt from Div. 11.3.7 but must follow applicable standards.
 - b. All signs erected in a public right of way by a public agency.
 - c. Official notices issued by any court, public agency, or officer.
 - d. Flags.
 - e. A maximum of 2 flags are allowed per street frontage.
 - f. An individual flag cannot exceed 30 square feet in area.
 - g. The maximum height of a flagpole is 30 feet, measured from the highest point of the flagpole.
 - h. Signs designated by the Planning and Zoning Commission as being Heritage Signs;
 - i. A sign installed inside a window for the purposes of viewing from outside the premises. Such signs cannot exceed 10% of the total window area;
 - j. Any government sign, meaning any sign put up by a government agency either required by law or in sponsorship of a government function (a building permit may still be required for the construction of these signs);
 - k. Any directional sign. Parking lot directional signs shall not project higher than 7 feet above the existing grade;
 - l. One Incidental sign per property that does not exceed 6 square feet and does not exceed 6 feet in height,
 - m. Any sign that replaces an equivalent sign within a multi-tenant freestanding sign, so long as it complies with the overall multi-tenant sign plan.
6. Signs along State Highways and Ski-Hill Road.
- a. The following regulations apply to signs along State Highways 31, 32, and 33 and Ski Hill Road. The Teton Scenic Byway passes through Teton County. There are Federal regulations that control outdoor advertising along these byways (Title 23, Section 131 of the United States Code).
 - b. Existing signs may remain in accordance with Div. 11.3.1.E.
 - c. No new outdoor advertising signs shall be constructed within 650 feet of the right of way of these roads, that is visible from these roads.
 - d. Only State Approved Single Business Off-Premise Outdoor Advertising Signs, State Approved Multi-Business Signs, State Approved Point of Interest Signs, and State Approved Tourist Oriented Directional Signs are permitted. These are signs that meet State of Idaho Transportation Department dimensional and design standards, are located in the state highway right-of-way, approved by ITD, and must be supplied/installed by ITD. Teton County should be notified when an application is made to ITD.

IMAGE

7. Signs Requiring a Permit
- a. Sign Types

i. The following signs are allowed following the issuance of a sign permit.

Sign Descriptions	
Specific Sign Types	Illustration
Building Signs	
Wall Sign. A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.	IMAGE
Awning Sign. A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.	IMAGE
Canopy Sign. A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.	IMAGE
Projecting Sign. A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.	IMAGE
Hanging Sign. A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.	IMAGE
Freestanding Signs	
Monument Sign. A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.	IMAGE
Double Post Sign. A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.	IMAGE
Single Post Sign. A freestanding sign where the primary support is supplied by a single post and where the sign hangs from a bracket or support.	IMAGE
Other	

Sign Descriptions	
Specific Sign Types	Illustration
Entry Feature Sign. A sign permanently affixed to the ground which is wholly independent of a building for support, is located at the entry of a subdivision, and is approved with the subdivision.	IMAGE
Sidewalk Sign. A movable sign not secured or attached to the ground or surface upon which it is located.	IMAGE

b. Sign Types Allowed by District

Signs are allowed by district. Specific requirements for each sign are shown on the following pages.

	RA	LA	ARN	FH	RC	Residential Districts	Mixed Use Districts	IL	IH	CIV	REC	PRS
Building Signs												
Wall Sign	--	--	--	--	--	--	--	P	P	P	P	--
Awning Sign	--	--	--	--	--	--	--	P	--	P	P	--
Canopy Sign	--	--	--	--	--	--	--	P	--	P	P	--
Projecting Sign	--	--	--	--	--	--	--	P	--	P	P	--
Hanging Sign	--	--	--	--	--	--	--	P	--	P	P	--
Freestanding Signs												
Monument Sign	--	--	--	--	--	--	--	P	P	--	--	--
Double Post Sign	P	P	P	P	P	--	--	P	P	P	P	--
Single Post Sign	P	P	P	P	P	--	--	P	P	P	P	--
Other Signs												
Entry Feature Sign	P	P	P	P	P	--	--	P	P	P	P	--
Sidewalk Sign	--	--	--	--	--	--	--	P	P	P	P	--
P = sign type allowed -- = sign type not allowed												

- i. The maximum total sign area may be allocated among the permitted signs in each district, provided that each sign conforms to the applicable regulations of the district in which the sign is located and the applicable regulations for the sign type.
- ii. In no case may the total area of all signs on a particular site exceed the maximum total sign area given for a site in a particular zoning district.
- iii. Heritage signs do not count toward the maximum total sign area or the maximum number of permitted signs.

c. Allocation of Sign Area

	Building Signs	Freestanding Signs	Sidewalk Sign
RA, LA, ARN, FH, RC, RS-, RM-	0.25 sf per linear ft of building frontage or 12 sf, whichever is greater	8 sf per allowed sign	Not allowed
RX	0.50 sf per linear ft of building frontage or 24 sf, whichever is greater	16 sf per allowed sign	9 sf per allowed sign
NX	0.75 sf per linear ft of building frontage, or 24 sf, whichever is greater	16 sf per allowed sign	9 sf per allowed sign
CX	1.00 sf per linear ft of building frontage, or 32 sf, whichever is greater	16 sf per allowed sign	9 sf per allowed sign
DX	1.00 sf per linear ft of building frontage, or 32 sf, whichever is greater	16 sf per allowed sign	9 sf per allowed sign
CC	1.00 sf per linear ft of building frontage, or 32 sf, whichever is greater	Monument: Based on # of tenants Double/Sign Post: 16 sf per allowed sign	9 sf per allowed sign
CH, IX, IL, IH	1.50 sf per linear ft of building frontage	Monument: Based on # of tenants Double/Sign Post: 16 sf per allowed sign	9 sf per allowed sign
CIV, REC	0.75 sf per linear ft of building frontage	16 sf per allowed sign	9 sf per allowed sign
PRS	Not allowed	Not allowed	Not allowed

- i. The maximum sign area for each sign type is determined by district and is established below. There must be a building on the property to increase the size

- ii. Building frontage is determined by measuring the total length of each street-facing building facade that runs approximately parallel with the street the sign is intended to be viewed from. Non street-facing building facades are not allocated sign area, however, sign area allocated to a street-facing building facade may be used on a non-street-facing building facade. Sign allocation from one street-facing building facade cannot be transferred to another street-facing building facade.
 - iii. Street frontage is that portion of a lot that abuts a public or private street. A lots that abuts one street has one street frontage, a lot that abuts 2 streets has 2 street frontages, a lot that about 3 streets has 3 street frontages, and a lot that abuts 4 streets has 4 street frontages.
- d. Sign Design Standards for Non-Temporary Signs
- i. All Districts
 - 1. All signs shall be made of durable materials such as wood and metal or others deemed similar in appearance
 - ii. Rural and Residential Districts
 - 1. Signs shall feature muted colors consisting of warm earth tones
 - 2. No fluorescent colors or reflective surfaces shall be permitted

8. Wall Sign		
Image	image	
image		
Description	Dimensions	
A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.	Allocation of sign area	see Div. 11.3.7.C
General Provisions	Size	
<p>A wall sign must be placed no higher than 18 feet above the sidewalk.</p> <p>No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.</p> <p>A wall sign cannot cover windows or architectural details.</p> <p>A wall sign may be externally or internally illuminated in accordance with Div. 11.3.19.</p>	CIV, REC	24 sf max
	IL, IH	40 sf max
	Projection - measured from building facade	1' max
	Right of Way Encroachment	
	May encroach over the public sidewalk but not over any public street or alley.	

9. Awning Sign

Image	image
-------	-------

image	
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Description	Dimensions	
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A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.	Allocation of sign area	see Div. 11.3.7.C
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General Provisions	Size	
--------------------	------	--

An awning sign cannot extend outside the awning. Only awnings over ground story doors or windows may contain signs. One sign is allowed per awning. A sign may be on either the front or side valance (but no on both). Signs are not allowed on the sloping face of an awning. An awning sign cannot be illuminated.	CIV, REC	9 sf max
	IL	20 sf max
	Height	1' max

	Right of Way Encroachment	
--	---------------------------	--

	May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.	
--	---	--

10. Canopy Sign

Image	image
image	

Description	Dimensions		
A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.	Allocation of sign area	see Div. 11.3.7.C	
General Provisions	Size		
<p>A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.</p> <p>A maximum of one sign is allowed per canopy.</p> <p>A canopy sign may be externally or internally illuminated in accordance with Div. 11.3.19.</p>	CIV, REC	16 sf max	
	IL	32 sf max	
	Height	2' max	
	Depth	1' max	
	Clear height		
	above sidewalk	9' min	
	above parking area or driveway	14' min	
	Right of Way Encroachment		
	May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.		

11. Projecting Sign		
Image	image	
image		
Description	Dimensions	
A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.	Allocation of sign area	see Div. 11.3.7.C
General Provisions	Size	
<p>A projecting sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.</p> <p>Only one projecting sign is allowed per tenant per street frontage.</p> <p>A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both frontages may be used.</p> <p>A projecting sign may only be externally illuminated in accordance with Div. 11.3.19.</p>	CIV, REC	12 sf max
	IL	20 sf max
	Projection - measured from building facade	4' max
	Width	1' max
	Clear height	
	above sidewalk	9' min
	above parking area or driveway	14 min'
	Right of Way Encroachment	May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

12. Hanging Sign		
Image	image	
image		
Description	Dimensions	
A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.	Allocation of sign area	see Div. 11.3.7.C
General Provisions	Size	3 sf max
<p>A hanging sign must be located within 5 feet of an accessible building entrance.</p> <p>A hanging sign cannot be illuminated.</p>	Height	2' max
	Width	3' max
	Clear height	
	above sidewalk	9' min
	above parking area or driveway	14 min'
	Right of Way Encroachment	May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

13. Monument Sign		
Image	image	
image		
Description	Dimensions	
A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.	Allocation of sign area	see below
General Provisions	Size (by number of tenants)	
<p>Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage.</p> <p>Monument signs must display the street address of the property. If the area of the address is 5 square feet or less, the area does not count towards the allocation of sign area.</p> <p>A monument sign must be set back at least 10 feet from the primary or side street lot line and 15 feet from a side lot line.</p> <p>A monument sign may be externally or internally illuminated in accordance with Div. 11.3.19.</p>	1 tenant	24 sf max
	2 to 3 tenants	32 sf max
	5 or more tenants	40 sf max
	Height	
	IL, IH	10' max
	Base height	
	IL, IH	2' min
	Right of Way Encroachment	
	Not allowed.	

14. Double Post Sign

Image	image
image	

Description	Dimensions	
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A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.	Allocation of sign area	see below
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General Provisions	Size	16 sf max
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	Height	4' max
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	Right of Way Encroachment	
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<p>Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage.</p> <p>A double post sign must be set back at least 10 feet from the front lot line and 15 feet from a side lot line.</p> <p>A double post sign must display the street address of the property. If the area of the address is 5 square feet or less, the area does not count towards the allocation of sign area.</p> <p>A double post sign may only be externally illuminated in accordance with Div. 11.3.19.</p>	Not allowed.	
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15. Single Post Sign		
Image	image	
image		
Description	Dimensions	
A freestanding sign where the primary support is supplied by a single post and where the sign hangs from a bracket or support.	Allocation of sign area	see below
General Provisions	Size	16 sf max
<p>The hanging bracket must be an integral part of the sign design.</p> <p>Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage.</p> <p>A single post sign must be set back at least 10 feet from the front lot line and 10 feet from a side lot line.</p> <p>A single post sign may only be externally illuminated in accordance with Div. 11.3.19.</p>	Height	6' max
	Length	4' max
	Width	4' max
	Right of Way Encroachment	Not allowed.

16. Entry Feature Sign		
Image	image	
image		
Description	Dimensions	
A feature permanently affixed to the ground which is wholly independent of a building for support, is located at the entry of a subdivision and is approved with the subdivision.	Allocation of sign area	see below
General Provisions	Size	24 sf max
<p>One entry feature sign is allowed per street frontage.</p> <p>An entry feature sign must be set back at least 15 feet from the front property line and 15 feet from a side property line.</p> <p>An entry feature sign may only be externally illuminated in accordance with Div. 11.3.19.</p>	Height	8' max
	Right of Way Encroachment	
	Not allowed.	

17. Sidewalk Sign		
Image	image	
image		
Description	Dimensions	
A movable sign not secured or attached to the ground or surface upon which it is located.	Allocation of sign area	see below
General Provisions	Size	9 sf max
<p>Each ground floor tenant may have one sidewalk sign located adjacent to the primary facade with the principal customer entrance, or up to 8 feet from that facade.</p> <p>A sidewalk sign must be removed and placed indoors at the close of business each day.</p> <p>A sidewalk sign cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility. A minimum sidewalk clearance of 6 feet in width must be maintained.</p> <p>A sidewalk sign must have a locking arm or other device to stabilize the structure.</p> <p>A sidewalk sign cannot be illuminated.</p>	Height	4' max
	Width	3' max
	Right of Way Encroachment	
	May encroach on a public sidewalk but not over a public street or alley. The sign cannot obstruct vehicular, bicycle or pedestrian traffic and it must comply with ADA clearance and accessibility. A minimum sidewalk clearance of 6 feet in width must be maintained.	

18. Sign Measurements

a. Sign Area

- i. Sign area includes the area of the smallest enclosing circle, half-circle, parallelogram, or triangle that encloses all of the letters, figures or symbols that comprise the sign message.

IMAGE

- ii. Irregular shapes are calculated by up to a maximum of 3 connected shapes.

IMAGE

- iii. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign and the background used to differentiate the sign from the structure on which it is mounted.

IMAGE

- iv. Sign area does not include any structure supporting the sign unless the support structure forms a part of the message being displayed.
- v. The area for a sign with more than one face is computed by adding together the area of all sign faces greater than 45 degrees; if the sign face angle is less than 45 degrees, only the area of the largest sign face is computed as part of the sign area.

IMAGE

b. Sign Height

- i. The total height of a ground sign is measured from the highest point of the sign or supporting structure to the finished grade directly below it.
- ii. The height may not be artificially increased by the use of mounding.

IMAGE

19. Illumination

Illumination of signs must be in accordance with the following requirements.

	Internal	External
Building Signs		
Wall Sign	Allowed	Allowed
Awning Sign	Not allowed	Not allowed
Canopy Sign	Allowed	Allowed
Projecting Sign	Not allowed	Allowed

Hanging Sign	Not allowed	Not allowed
Freestanding Signs		
Monument Sign	Allowed	Allowed
Double Post Sign	Not allowed	Allowed
Single Post Sign	Not allowed	Allowed
Other Signs		
Entry Feature Sign	Not allowed	Allowed
Sidewalk Sign	Not allowed	Not allowed

- a. Illumination Permitted by Sign Type
- b. Prohibited Light Sources
 - i. Blinking, flashing, and chasing.
 - ii. Bare bulb illumination.
 - iii. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
 - iv. Direct reflected light that creates a hazard to operators of motor vehicles.
 - v. Lights that outline property lines, sales areas, roof lines, doors, windows, or similar area are not allowed, except for seasonal lighting.
 - vi. Lamps that exceed a color temperature of 3200K.
- c. Externally Illuminated Signs
 - i. An externally illuminated sign is characterized by the use of artificial light reflecting off its surface.
 - ii. Illumination must be by top-mounted fixtures aimed downward, and they cannot exceed 200 lamp lumens per square foot of sign face.
 - iii. Illumination shall be incorporated into the sign bracket when possible
- d. Internally Illuminated Signs
 - i. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.
 - ii. All lamps intended for internal illumination must be fully concealed from view.
 - iii. Internal illumination cannot exceed 300 lamp lumens per square foot of sign area.
 - iv. For internally illuminated signs on a background, no more than 50% of the sign area may be composed of lighter-colored surfaces (white, off-white, gray, cream, or pale shades of other colors), as opposed to opaque, darker-colored, or back-lit surfaces.
 - v. Exposed neon is not allowed, except one window sign stating “open” that is not greater than 5 square feet in area and does not exceed 30% of the window area, limited to one per establishment.
- e. Illumination Curfew

- i. The illumination of signs is prohibited between the hours of 11 p.m. or the time of closing of the related business, whichever is later, and 30 minutes prior to the time of reopening,

20. Changeable Copy

a. Types of Changeable Copy

i. Manual Changeable Copy

- 1. A sign or portion of a sign that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and is changed or re-arranged manually or mechanically with characters, letters, or illustrations that may be changed or rearranged without altering the face or the surface of the sign, such as a marquee sign.

ii. Digital Changeable Copy

- 1. A sign or portion of a sign that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the sign.

b. Signs Allowing Manual Changeable Copy

- i. Manual changeable copy is allowed in conjunction with an allowed wall or monument sign provided the changeable copy portion is no greater than 50% of the sign area.

IMAGE

c. Signs Allowing Digital Changeable Copy

- i. Digital changeable copy is allowed in conjunction with an allowed wall or monument sign.
- ii. Digital changeable copy is not allowed in Scenic Corridor Design Review Overlay.
- iii. Any image or message or portion of the image or message must have a static display for minimum duration of 24 hours, except for the display of time or temperature, which must have a minimum duration of 8 seconds.
- iv. No portion of the image or message may flash, scroll, twirl, change color or in any manner imitate movement.
- v. The sign must not exceed a maximum illumination of 300 lumens during daylight hours and a maximum illumination of 50 lumens between dusk to dawn as measured from the sign's face at maximum brightness.

TETON COUNTY, IDAHO
ORDINANCE 2016-1212

Amendment to Title 5, Chapter 1

AN ORDINANCE OF TETON COUNTY, IDAHO AMENDING TITLE 5, CHAPTER 1 OF THE COUNTY CODE; ESTABLISHING DEFINITIONS AND DOG LICENSING REQUIREMENTS; ADOPTING A PROHIBITION ON AT LARGE DOGS AND RESTRICTIONS ON NOISY DOGS; PROVIDING FOR THE IMPOUNDING OF AT LARGE OR SUSPECTED RABID DOGS AND THE ADOPTION OF UNCLAIMED IMPOUNDED DOGS; ESTABLISHING PENALTIES FOR VIOLATIONS; REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF TETON, STATE OF IDAHO:

SECTION 1. The following text shall replace Title 5, Chapter 1 of the Teton County Code, in its entirety and be enforced as such:

CHAPTER 1

Animal Care and Control

SECTION:

- 5-1- 1: Purpose
- 5-1- 2: Definitions
- 5-1- 3: Licenses
- 5-1- 4: Restricted and Prohibited Acts
- 5-1- 5: Impounding
- 5-1- 6: Rabid Dog
- 5-1- 7: Adoption; Fee
- 5-1- 8: Fines, Fees and Penalties

5-1-1: **PURPOSE:** The County of Teton hereby establishes this ordinance to promote the health, safety, and welfare of the residents, animals, and visitor of the County of Teton; and to protect the properties of such persons by establishing a uniform and humane dog care and control ordinance.

5-1-2: **DEFINITIONS:** When used in this chapter, unless the context otherwise indicates, the following terms and phrases shall have the meanings as herein ascribed:

ANIMAL CARE AND CONTROL OFFICER: The person or persons given authority by the County of Teton, the Teton County Board of Commissioners or the Teton County Sheriff's Office, to enforce this chapter, or any peace officer in this State.

AT LARGE: Off the premises of the owner and not under the control or restraint of the owner, keeper, or custodian of the animal.

CONTROL/VOICE CONTROL: Within the incorporated cities, a dog shall be deemed to be under control if such dog is physically restrained. Within the unincorporated county, a dog may be deemed to be under control by means of voice control. Voice control means that the dog returns immediately to and remains by the side of the owner or keeper in response to the owner or keeper's verbal command, whistle or hand signal. If an unleashed dog approaches or remains within 10 feet of any other person other than the owner or keeper, that dog is not under voice control and shall be deemed to be "at large", unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner that such person consents to the presence of the dog.

COUNTY: Shall include the unincorporated areas within the boundaries of Teton County, Idaho.

DOG: Includes any unaltered or altered male or female canine not in the line of duty for a law enforcement agency.

HUMANE: To provide proper food, water, sanitation, ventilation, medical attention and shelter from weather as needed.

HUMANELY DISPOSE: To euthanize any animal according to the State of Idaho Board of Veterinary Medicine's current euthanasia rules and/or by a qualified veterinarian clinic/hospital, or certified euthanasia technician.

IMPOUNDED: Having been received into the custody of the Teton County Sheriff's Department or shelter master or other designated agent.

INJURY: Any physical injury that results in any breaking of the skin, infection, broken bone or disfiguring laceration.

NUISANCE: Any noisy dog, any dangerous dog, or any dog engaging in behaviors described in section 5-3-4(B) of this chapter.

OWNER: Includes any individual, partnership, corporation, company, society or association keeping or harboring a dog or dogs.

PREMISES: The real property owned or occupied by the owner of the dog.

RESTRAINT: An animal shall be deemed to be under restraint if it is not At-Large.

SHELTER MASTER: The person or persons responsible for an animal shelter that provides humane care for animals impounded by the Animal Care and Control Officer.

VICIOUS DOG: A dog which, when not provoked, approaches any person who is not trespassing, in a vicious or terrorizing manner; or any dog which, when not provoked, physically attacks, wounds, bites or otherwise injures a person or domestic animal who is not trespassing.

5-1-3: LICENSES

A. Required:

1. License Required; Fee: All owners of dogs over six (6) months of age residing within the County of Teton must pay a license fee as set forth by resolution of the Teton County Board of Commissioners. Any violation of this Chapter, in which the license tag is not attached to the dog, may result in an additional violation.
2. Receipt; Tag: Said license shall be paid in accordance with provisions of Idaho Code Section 25-2801, to the agent or officer of the county, as designated by the Board of County Commissioners, who shall thereupon give to the person paying it a dated receipt reciting the owner's name and the number of the license, and also a tag or disc bearing the year of issue, the name of the county, and a license number corresponding with that mentioned in the receipt.
3. Duplicate Tag: In the event of loss of license tag, a duplicate, so stamped, shall be provided to the owner by the county, at a reasonable cost for each duplicate tag.

B. When Required; Term; Relicensing:

1. All dogs six (6) months and older shall be licensed within thirty (30) days of being brought into the County of Teton.
2. All licenses shall be issued on the date applied therefor and shall expire one year from that date.

C. Application: The owner shall state at the time application is made for a license and upon a form provided for such purpose, their name and address; the name, breed, color and gender of each dog owned or kept by them, whether such dog has been spayed or neutered; and in the case of spayed or neutered dogs, the owner shall submit a certificate from a licensed veterinary surgeon that their dog or dogs have been spayed or neutered. Any dog for which no certificate is presented, certifying that such dog has been spayed or neutered, or for which a licensed veterinarian cannot certify that such dog has been spayed or neutered, shall be considered a not-spayed dog or not-neutered dog, and the owner shall be charged a license as though such dog were unaltered.

D. Certificate of Rabies Immunity: At time of application for a dog license, a current certification of rabies immunity from a licensed veterinarian must be presented.

- E. Conditions of Issuance: Licenses issued in accordance with this chapter are conditioned upon compliance of the owner with all provisions of this chapter and other applicable state and local laws. Any license may be revoked if the person holding the license refuses or fails to comply with this chapter or any state or local law governing cruelty to animals or keeping of animals.

5-1-4: RESTRICTED AND PROHIBITED ACTS:

Nuisances

1. Noisy Dog: It is a violation of this chapter for any owner of a dog to fail to exercise the reasonably necessary proper care of his/her animal in order to prevent it from disturbing the peace and quiet of persons residing in the neighborhood by allowing such dog to continue barking, howling and/or whining, audible beyond the property line of the premises on which the dog is located, for more than thirty (30) minutes. If it is determined that there is a prowler or something taunting the animal, a notice of violation will not be issued.
 2. Dogs at Large: It is a violation of this chapter for any person who owns, harbors or possesses a dog, whether licensed or not, to allow such dog to be at large, as defined by this Chapter, upon the streets or alleys of the County, or in any public place in the County, except for designated off-leash areas, or upon any other premises within the County without the consent of the person in possession of such premises. See Idaho Code § 25-2803 and 25-2804 and any amendments.
 3. Female Dogs in Heat: Each female dog, when in heat, shall be under control or penned or enclosed in such a manner as to preclude at large dogs from contacting such female dog.
 4. Unneutered Dogs at Large: It is a separate violation of this chapter for any owner of any unneutered dog that is found to be at large.
 5. Failure to Remove Waste: It shall be unlawful for any person who owns, possesses or controls a dog to fail to promptly remove and dispose of any feces left by his/her dog on any sidewalk, street or public owned property or private property (other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property). This provision shall not apply to an assistance dog accompanying a handicapped person who, by reason of his/her disability, is unable to remove and properly dispose of the feces.
- B. Rabies Suspects: It shall be unlawful for a person to keep or harbor any dog afflicted with rabies. The owner of a dog showing symptoms of rabies, or of an unvaccinated dog which has bitten any person causing an abrasion or break in the skin, has a duty to surrender the dog for confinement at the animal shelter, or to a licensed veterinarian, for a minimum of ten (10) days, for impoundment in accordance with Section 5-3-6 of this chapter.
- C. Vicious Dogs: It shall be unlawful for the owner of a vicious dog or for the owner of premises on which a vicious dog is present to harbor a vicious dog outside a secure enclosure. A secure

enclosure is one from which the animal cannot escape and for which exit and entry is controlled by the owner of the premises or owner of the animal. Any vicious dog removed from the secure enclosure must be restrained sufficiently to control the vicious dog. Any person who violates the provisions of this section is guilty of a misdemeanor. For a second or subsequent violation of this subsection, the Animal Care and Control Officer may, in the interest of public safety, impound the dog. The Shelter Master shall have the authority to either retrain the dog and place the animal for adoption or to order the vicious dog destroyed if the shelter is unable to release the animal to a responsible owner. See Idaho Code § 25-2805 and any amendments.

- D. **Possession of Impounded Dogs:** Except as authorized by the Shelter Master, no person shall have in his or her possession, care, custody or control any dog that has been impounded by the Animal Care and Control Officer and has not been properly released by the Shelter Master following payment of all impoundment fees and costs.
- E. **Concealing Animals:** It is a violation of this chapter to conceal any animal for the purpose and with the intent to violate this chapter or to prevent or interfere or hinder the Animal Care and Control Officer's enforcement of any part of this chapter.

5-1-5: IMPOUNDING:

- A. **Power To Impound:** Any dog at large may be impounded by the Animal Care and Control Officer and delivered to an animal shelter and there confined in a humane manner.
- B. **Redemption:** At any time that a dog is so impounded, the owner or keeper of the dog may redeem the same by paying to the Shelter Master the expenses incurred by the animal shelter for such impoundment. The owner reclaiming an impounded animal may also be cited for a violation of this chapter.
- C. **Alternative to Impoundment:** Notwithstanding the provisions of this section, if a dog is found at large and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to its owner and the owner may be cited for a violation of this chapter.

5-1-6: RABID DOG:

- A. **Impoundment of Suspect Animal:** If any dog is believed to have rabies, has been bitten by any animal suspected of having rabies, or has bitten any person causing laceration or abrasion of the skin, such dog shall be impounded in the animal shelter by the Animal Care and Control Officer or other authorized County Representative.
- B. **Registry:** The Shelter Master or some other designated official upon receiving any such dog, shall make a complete registry, entering the breed, color, and gender of such dog, and whether licensed, and shall also make record of the incident which led to the impounding of the dog. If the dog is licensed, the Shelter Master shall enter the name and address of the owner and the number of the license tag.

- C. Notice to Owner: Not later than three (3) days after the impounding of any such dog, the owner shall be notified by the Shelter Master, if the owner of the dog is known.
- D. Quarantine: The dog is to be quarantined in the animal shelter, segregated from other animals, for a period of ten (10) days. At the owner's request and expense, the dog may be quarantined at a licensed veterinarian.
 - 1. No Symptoms Shown: At the end of the ten (10) day period of impoundment, a licensed veterinarian shall inspect the dog and if the dog shows no symptoms of rabies, the veterinarian may authorize the release of the dog after vaccinating the dog for rabies.
 - 2. Symptoms Shown: If the dog shows symptoms of rabies, or is suspected by the veterinarian of being infected with rabies, the veterinarian may direct whatever disposition of the dog he may deem necessary, including, but not limited to, destroying the dog for confirmatory testing.
- E. Redemption: Following the ten (10) day impoundment, the owner of the impounded dog released by the veterinarian may reclaim such dog on payment of all costs and charges incurred by the animal shelter for impounding and maintenance of the dog.
- F. Unclaimed Dog: If any dog so impounded is not claimed by the owner thereof at the expiration of twenty (20) days following release by the veterinarian, such dog may be placed for adoption.
- G. Notice To Victim: The shelter master shall provide the veterinarian's rabies determination to the Sheriff's office, which shall attempt to notify the victim of the dog bite.

5-1-7: **ADOPTION; FEE:** The Shelter Master is authorized to place for adoption any animal, which has been impounded for a period of not less than seven (7) days, excluding weekends and holidays. Any person wishing to adopt an animal shall pay to the Shelter Master an adoption fee as established by the animal shelter.

5-1-8: **FINES, FEES AND PENALTIES:**

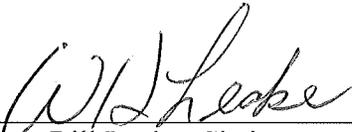
- A. Any person violating any of the provisions of this Chapter for which a fixed punishment has not been designated shall be deemed to have committed an infraction punishable in accordance with Idaho Code.
- B. The license fees are those fees set forth by resolution of the Teton County Board of Commissioners.

- C. Fines and fees are required to be paid even if the dog owner chooses not to reclaim the impounded animal from the animal shelter.
- D. Unless otherwise provided by ordinance, in addition to infraction penalties, the following fees regarding maintenance and impounding of animals are the responsibility of the dog owner:
 - 1. For keeping any dog: the shelter's daily rate.
 - 2. For veterinary expense: the actual cost thereof.
- E. Fines for maintenance and impounding of animals shall be paid to the Shelter Manager.
- F. In the event that any fine is not paid within ten days it may be assessed with interest against any person so charged, or a complaint for an ordinance violation or failure to pay an ordinance fine may be filed in the magistrate division of the district court, and, upon conviction, the court may assess costs of collection and/or court costs in addition to the prescribed penalties.

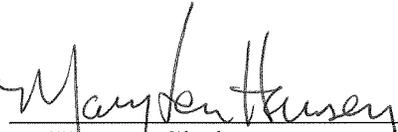
SECTION 2. All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 3. This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS, TETON COUNTY, IDAHO, this 12th day of Dec., 2016.



Bill Leake, Chair

ATTEST: 

Mary Lou Hansen, Clerk

Board of Teton County Commissioners

MINUTES: October 31, 2016

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

9:00 MEETING CALLED TO ORDER – Bill Leake, Chair

CONTINUATION OF PUBLIC HEARING: Road Vacation/Abandonment/Addition Application originally held on June 13, 2016, continued to June 28, 2016, then to July 18, 2016, then to September 13, 2016 and then to October 31, 2016.

1. Staff Report, Public Works Director Darryl Johnson

The minutes from the public hearing will be released once the public hearing closes. It was continued to December 27, 2016 at 9:00 am.

12:05 MEETING CALLED TO ORDER – Bill Leake, Chair

ADMINISTRATIVE BUSINESS

1. Letter to Idaho Fish and Game: Managing/Hunting Grizzly Bears

Minor edits were suggested by Commissioner Park and Chairman Leake for the letter written by Commissioner Riegel.

● **MOTION.** Commissioner Riegel moved to approve the letter to Idaho Department of Fish and Game regarding the proposed rules of hunting and managing grizzly bears with a few minor edits. Commissioner Park seconded the motion and carried.

2. **Armory Ownership**

Chairman Leake reported on the meeting he and Prosecutor Spitzer attended with Captain James Anderson and Lieutenant Colonel Paul Boice of the Idaho National Guard regarding ownership of the armory building in Driggs. Teton County currently owns half of the armory building and the National Guard owns the other half. The National Guard recently had the armory building appraised which came in at \$600,000. Chairman Leake reported that the National Guard has no interest in retaining their portion of the building. They must first offer their half ownership to Federal & State Agencies before it can be offered to the County. If the county doesn't want it, it could then be sold at auction at a minimum of fair market value. If the County does want it, it could be purchased for approximately \$300,000.

Chairman Leake asked Public Works Director Darryl Johnson if the building would be suitable for the Teton County Road and Bridge Department. Mr. Johnson said it could work but that the Road and Bridge Department would not need all of the office space. Mr. Johnson felt that a more efficient location for a new Road and Bridge facility would be near the gravel pit and transfer station. Mr. Johnson also indicated that if Road and Bridge did move into the armory building that it would make sense to build a separate space for Teton County Search and Rescue that currently occupies the space.

Chairman Leake felt that they should look at all the options of future building needs for the County. Commissioner Park stated that the County should take advantage of buying the building because it is a great price and could be used for many needs in the future. Commissioner Riegel also agreed that it would be a worthwhile purchase.

● **MOTION.** Chairman Leake moved to notify the Idaho National Guard that Teton County is interested in buying them out of their portion of the armory building for half of the appraised value. Commissioner Riegel seconded. Motion carried.

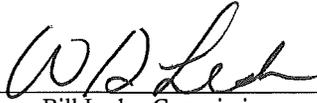
3. Beer and Wine Licenses

● **MOTION.** Commissioner Riegel moved to approved the catering permit for Huarache Mexican Restaurant, LLC for November 5th from 2:00 pm – 12:00 am at the Teton County Fair Building. Commissioner Park seconded and carried.

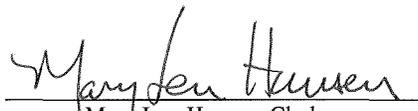
4. Executive Session as needed per IC74-206(1)

No executive session was needed.

● **MOTION.** At 12:15pm Commissioner Park made a motion to adjourn. Motion seconded by Commissioner Riegel and carried.



Bill Leake, Commissioner

ATTEST 

MaryLou Hansen, Clerk

Attachments: #1 Public Works update

Katie Salsbury Katie@intermountainaquatics.com

Hi Holly,

The fair board Has recommended Jason Wilcox and Jessie Murdock to fill Elaine and Patty's positions. Can you please make this recommendation to the BOCC and arrange to have one of them attend our next meeting to swear them in?

University of Idaho

Extension

Teton County Extension & 4-H Office
235 S. 5th E.
Driggs, ID 83422
208-354-2961 (phone)
208-354-3516 (fax)
<http://www.uidaho.edu/extension/county/teton>
<http://www.tetoncountyidaho.gov/>

February 8, 2017

Dear Teton County Board of County Commissioners:

Extension Request Summary:

I am requesting \$1,200 towards my extension budget to assist with grant writing and development from High County RC&D for a \$245,000 USDA Ag Marketing grant to fund community food system and development projects in the Teton Valley region. The grant project will help farmers and other food producers in our area to increase domestic consumption of, and access to, locally and regionally produced agricultural products, and to develop new market opportunities for farm and ranch operations in the Tetons.

Background:

As a tenure-track extension educator, I have scholarship, education, and administrative management responsibilities. The University of Idaho strongly encourages me to collaborate with partner organizations and focus my work so that I am helping to meet the needs of community members in my county and the Eastern Idaho region. My area of focus is community food systems, which is a diverse, interdisciplinary area of focus. I am the only extension educator in the Eastern Idaho region that has this area of focus, which is exciting and ground breaking and helps show that Teton County is a leader in community food systems work.

To clarify the definition of community food systems, they are highly complex, dynamic, and adaptive systems that include the people, land, infrastructure, and interdependent processes of food from farm to table to disposal (i.e., production, distribution, consumption, and waste management). As an extension educator, I am both an educator and facilitator. To help meet the needs of our community and help enhance the social and economic health of our area's food system, I have been reaching out to local and regional nonprofit organizations, businesses, agricultural producers, and government agencies and employees to assess our community's food system needs and brainstorm ways to partner and deliver food system projects to Teton Valley.

Through this work, an exciting new development has emerged in the past few months, which is the formation of a Teton Food and Farm Coalition, which I am helping to facilitate. This newly formed coalition is a way to provide the means to link farmers, food processors, distributors, restaurants, nonprofits, and others to make our local food economy stronger through relationship building and meaningful collaboration. Currently, our plan is to have this food and farm coalition sponsored under the 501(c)(3) umbrella of High Country Resource Conservation and

Development (RC&D), which Teton County sponsors. As part of our efforts to strengthen our collaborative food system work, we have been researching potential grants to help fund the many food system projects happening in the Teton area, and have recently found out about the USDA Agriculture Marketing Service's Farmers Market Promotion Program and Local Food Promotion Grants, which are due March 27th. These USDA grants are large and complicated and can help fund large projects (tens or hundreds of thousands of dollars). Grant projects that include diverse and innovative partnerships are also encouraged, and we feel that the food and farm coalitions efforts could be funded in part through the Farmers Market Promotion Program (<https://www.ams.usda.gov/services/grants/fmpp>).

FMPP Grant Writing Assistance Request:

Due to the amount of work and time it takes to write these grants, I am requesting \$1,200 (@\$25/hr for 48 hours) towards my extension budget to pay for contracted grant writing help from Pam Herdrich, High Country RC&D's Executive Director. Pam and I will work together to pull in grant partners and write the Farmers Market Promotion Program Grant (FMPP). Since Teton County is a sponsor of High Country RC&D, they are giving us a discounted sponsor price of \$25/hour vs. the typical \$45/hour price. High Country will only charge for the hours worked. If it takes less time than estimated, they will charge less. They won't charge us more than \$1,200.

In terms of my extension role in this grant, I will continue to help facilitate the coalition projects, deliver food systems educational programming, and help with the evaluative and research components of the grant project. This immense grant will help provide resources for me to work towards the University's Promotion and Tenure, which requires education and scholarship activities such as research reports and peer-reviewed journal articles. In total, we are estimating that the grant request will be around \$245,000, and it will be fiscally sponsored and administered through High Country RC&D. Coalition partners like UI Extension, the Teton Valley Farmers Market, Slow Food in the Tetons, Full Circle Education, and others will be contracted partners in the grant. Our aim is to make this grant inclusive and helpful for not only small acreage direct-to-consumer producers, but also larger acreage commodity producers in Teton Valley, creating a ripple effect of benefits for our agriculture economy. In brief, the grant will help fund the following: 1) staff time for a contracted coalition program coordinator who will work closely with me to help coordinate the project's efforts; 2) an online virtual farmers market to help increase direct producer to consumer sales in the Tetons; 3) a printed marketing and agritourism Teton Food and Farm Directory; 4) Farmers Market Development and Capacity Building; 5) A Local Food Symposium/Conference held in Teton Valley; and 6) Education, Outreach, and Analysis of food system projects. Thank you for your consideration.

Regards,



Jennifer Werlin
Extension Educator, Community Food Systems
University of Idaho, Teton County

Board of Teton County Commissioners

MINUTES: January 9, 2017

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

9:00 Oath of Office – Newly Elected Officials
Appointment of Commission Chair

MEETING CALL TO ORDER – Chair
Amendments to Agenda

9:30 **OPEN MIC** (*if no speakers, go to next agenda items*)

PROSECUTOR – Billie Siddoway

1. Budget
2. Approval to Hire Deputy Attorney at 100% of Market Rate

10:00 **TETON REGIONAL ECONOMIC COALITION** – Brian McDermott

1. Quarterly Report

BUILDING – Wendy Danielson

1. Building Permit Reports
2. Combined County Wide Building Department
3. Idaho Association of Building Officials Education Institute

EMERGENCY MANAGEMENT – Greg Adams

1. Update on Current Projects
2. Approval for Greg Adams and Ronn Carlentine to attend the annual ID Emergency Management Association Meeting

12:00 **MONTHLY ELECTED OFFICIALS AND DEPARTMENT HEAD MEETING**

PUBLIC WORKS – Darryl Johnson

1. Solid Waste
 - a. Approval of a ProPak60 Recycling Baler from Altitude Recycling
 - b. Approval to Promote William Wise to Solid Waste Equipment Operator Position at 100% of Market Rate
2. Road & Bridge

- a. Plowing Update
- b. Hauling for Snow Sculpture – Great Snow Fest

3. Engineering
 - a. Cedron Road Improvement Project Town Hall Meeting Schedule
 - b. ID Parks and Recreation Grant Applications
 - c. Packsaddle Road Vacation

PLANNING – Holly Wolgamott

1. Update from Planning Assistant Sharon Fox
2. Interim Planning Administrator
3. Planning Administrator Interview Schedule

CLERK

1. Quarterly Financial Reports
2. Approval of Resolution 2017 – 0109 – Budget Adjustments for First Quarter of 2017

ADMINISTRATIVE BUSINESS (*as time permits*)

1. Approve Available Minutes
2. Other Business
 - a. Approval of to Promote Bridge Smith to Chief Deputy in Sheriff's Department
 - b. Commissioner Committee Appointments
 - c. Commissioner Calendar – Town Hall Meetings
 - d. Beer & Wine licenses, if any
 - e. Approval of Non-Motorized Pathways Ordinance
 - f. Approval of LTI and PTO policy changes
 - g. Executive Assistant Report
 - h. Committee Reports
 - i. Claims
 - j. Executive Session as needed per IC74-206(1)

ADJOURNMENT

COMMISSIONERS PRESENT: Mark Ricks, Harley Wilcox, Cindy Riegel

OTHER ELECTED OFFICIALS PRESENT: Assessor Bonnie Beard, Clerk Mary Lou Hansen, Treasurer Beverly Palm, Sheriff Tony Liford, Coroner Tim Melcher, Prosecutor Billie Spitzer

Commissioner Riegel called the meeting to order and led the Pledge of Allegiance.

OATHS OF OFFICE & APPOINTMENT OF CHAIR

Magistrate Judge Jason Walker administered the Oath of Office to Mark Ricks, Third District Commissioner; Harley Wilcox, Second District Commissioner; Tony Liford, Sheriff; Billie Siddoway, Prosecutor; and Lindsey Blake, Deputy Prosecutor.

- **MOTION.** Commissioner Wilcox made a motion to appoint Mark Ricks as Chair of the Board of County Commissioners. Motion seconded by Commissioner Riegel and carried unanimously.
- **MOTION.** Commissioner Wilcox made a motion to add a discussion of the need to give notice to review the sign ordinance, fee schedule and dog ordinance under Other business. Motion seconded by Commissioner Ricks and carried unanimously.
- **MOTION.** Later in the meeting, Commissioner Wilcox made a motion to amend the agenda to discuss the contract with Applied Communication because he forgot to make the motion at the start of the meeting and hoped to avoid some expense. Motion seconded by Commissioner Riegel and carried unanimously.

OPEN MIC

Bob Fitzgerald welcomed the new Commissioners.

Denny Arnold spoke about the need for a reduced speed limit in Felt and requested a letter of support.

- **MOTION.** Commissioner Ricks made a motion to amend the agenda to add a discussion of the speed limit in Felt at 1:30 pm. Motion seconded by Commissioner Riegel and carried unanimously.

Jim Schulz spoke in support of the Teton Regional Economic Coalition.

PROSECUTOR

Prosecutor Siddoway requested approval to hire her new Chief Deputy at 100% of the market rate due to her experience and knowledge of the law.

- **MOTION.** Commissioner Riegel made a motion to approve hiring Lindsey Blake at 100% of the market rate as requested. Motion seconded by Commissioner Wilcox and carried unanimously.

LEGAL COUNSEL FOR SOLID WASTE FEE LAWSUIT

- **MOTION.** At 9:27 am Commissioner Wilcox made a motion for Executive Session pursuant to Idaho Code 704-206(1)(f) to speak with legal counsel regarding the hiring of outside legal counsel. The motion was seconded by Commissioner Riegel and a discussion followed with Chairman Ricks recused due to his status as a plaintiff in the lawsuit.

Prosecutor Siddoway said the legal counsel (Chris Meyer) hired by the previous Board to represent the County in the solid waste fee lawsuit was not lawfully hired because certain constitutional requirements were not met. She counseled the Board to correct that error and said that she and her Deputy were fully prepared to discuss the issue with the Commissioners.

A roll call vote was held with all in favor, but with Chairman Ricks recusing himself from the Executive Session due to his conflict. Prosecutor Siddoway also recused herself from the Executive Session.

The Executive Session ended at 10:12 am.

Later in the meeting, Prosecutor Siddoway said she anticipates that Mr. Meyer will submit a bill that the current Board will try to deny because of errors in the process of hiring him. She said the meeting minutes should have included the Board's reasons for finding it necessary to hire outside counsel, not just the motion to hire Mr. Meyer. Prosecutor Siddoway recommended that a new motion be made with the appropriate fact finding in order to remedy the error.

Commissioner Riegel questioned whether the Prosecutor should be providing counsel to the Board since she has a conflict related to the solid waste fee litigation.

Prosecutor Siddoway said she does not have a technical conflict and described her limited involvement in the case. She said she shared a draft document with the plaintiffs at no charge because she had performed the legal research in anticipation of being hired by a different client. She also submitted an affidavit providing her opinion of the appropriateness of the legal fee reimbursement requested by the plaintiff. Prosecutor Siddoway said she has discussed her situation with ICRMP and the Idaho Bar Association and said her actions do not create a "hard" conflict. However, since her position is political, Prosecutor Siddoway said she decided to establish a "firewall" with her Deputy Prosecutor who could then counsel the Board on this matter.

Commissioner Riegel said the previous Board made a decision which is now being challenged by persons who want the County to lose the lawsuit. She said it is not possible for a Deputy with a conflicted boss to represent the County. Prosecutor Siddoway disagreed.

At this point, Chairman Ricks said he was becoming increasingly concerned about being present for this conversation, due to his legal status as a plaintiff in the lawsuit, and left the room.

Commissioners Wilcox and Riegel continued to discuss the situation and agreed to hold an Executive Session with the Deputy Prosecutor January 11 in order to seek further counsel.

TETON REGIONAL ECONOMIC COALITION

Executive Director Brian McDermott distributed briefing notebooks to the Board and presented an Executive Summary (Attachment #1). He said TREC was created by a merger of the former Teton Valley Business Development Center and Chamber of Commerce and is affiliated with the Teton Geotourism Center. Their mission is, "To develop a stable and diverse economy by retaining, strengthening and recruiting businesses in Teton Valley and enhancing the visitor experience."

BUILDING

Director Wendy Danielson said 10 permits were issued during December, four for new single family dwellings. She is continuing to explore the possibility of a combined building department with the cities.

● **MOTION.** Commissioner Riegel made a motion to approve overnight travel for Wendy to attend the Idaho Association of Building Officials Education Institute in Boise January 23-27. Motion seconded by Commissioner Wilcox and carried unanimously.

EMERGENCY MANAGEMENT

Director Greg Adams reviewed his monthly report (Attachment #2).

● **MOTION.** Commissioner Riegel made a motion to approve overnight travel for Greg to attend the Idaho Emergency Management Association meeting in Boise February 6-9. Motion seconded by Commissioner Wilcox and carried unanimously.

PLANNING

The Board reviewed the memo provided by Land Use Assistant Sharon Fox (Attachment #3).

ECLIPSE CAMPING PERMITS. Commissioner Riegel said the County's intent was to establish a process to issue permits to people who were collecting money from campers. The previous Planning Administrator prepared a draft ordinance which was discussed and tabled by the Planning and Zoning Commission.

Driggs Mayor Hyrum Johnson said this topic had been discussed by the Council of Governments for several months. The cities don't think this should be a land use issue, just a general ordinance, which would eliminate the need for planning commission involvement. He said the Driggs planning staff is working with the County Eclipse Planner to prepare a camping ordinance.

INTERIM PLANNING ADMINISTRATOR. The Board discussed the need to hire an interim PA and agreed they should meet with the Chair of the Planning and Zoning Commission to learn more about the Commission's schedule and needs, especially tasks related to the draft Code.

PUBLIC WORKS

Director Darryl Johnson reviewed his bi-monthly report (Attachment #4).

SOLID WASTE. Four bids were received for the new recycling baler, but two were rejected because they did not meet the required specifications. Mr. Johnson said the new baler should last 15-20 years and that he intends to sell the current baler. Mr. Johnson said the new baler purchase was being made due to concerns about employee health and safety.

- **MOTION.** Commissioner Riegel made a motion to approve purchase of a ProPak60 baler for \$104,400 from Altitude Recycling using funds budgeted in line item 23-00-817. Motion seconded by Commissioner Wilcox and carried unanimously.

- **MOTION.** Commissioner Wilcox made a motion to promote William Wise to 100% of Pay Grade 5 concurrent with his acceptance of the Solid Waste Equipment Operator position for reasons listed and discussed. Motion seconded by Commissioner Riegel and carried unanimously.

ROAD & BRIDGE. Mr. Johnson said the sand/salt mixture applied to Ski Hill Road was making a difference. He will investigate the cost of variable signage and the possibility of sharing the cost with Driggs.

The Board reviewed plans for the January 23 Town Hall meeting to discuss the Cedron Road Shoulder Improvement Project. The meeting is being held to exchange information, not to make any decisions. Notices have been sent to all adjacent landowners and an ad will be published in the newspaper.

Mr. Johnson notified the Board that the County Road Map must be updated every five years via a public hearing process, which will begin this year.

PACKSADDLE ROAD. The Board approved the letter prepared by Mr. Johnson in response to Ard Farms LLC (Attachment #5).

CLERK

The Board reviewed the quarterly financial reports prepared by Clerk Hansen (Attachment #6). She said both revenues and expenses were reasonably near anticipated amounts and that the County budget was in good shape.

- **MOTION.** Commissioner Riegel made a motion to approve Resolution 2017-0109 Budget Adjustments for First Quarter FY 2017. Motion seconded by Commissioner Wilcox and carried unanimously. (Attachment #7)

ELECTED OFFICIAL & DEPARTMENT HEAD MEETING

Nine elected officials (Commissioners Ricks, Wilcox and Riegel, Treasurer Beverly Palm, Clerk Mary Lou Hansen, Prosecutor Billie Siddoway, Sheriff Tony Liford, Coroner Tim Melcher and Assessor Bonnie Beard) and six department heads (Jenifer VanMeeteren-Shaum, Holly Wolgamott, Darryl Johnson, Saul Varela, Bridger Smith, Wendy Danielson) discussed issues of mutual concern.

ADMINISTRATIVE

● **MOTION.** Commissioner Riegel made a motion to approve the minutes of December 27, as continued December 28 and January 3, with minor correction to page 3. Motion seconded by Commissioner Wilcox and carried unanimously.

● **MOTION.** Commissioner Riegel made a motion to approve hiring Bridger Smith as Chief Deputy Sheriff at 86% of the market rate. Motion seconded by Commissioner Wilcox and carried unanimously.

COMMITTEE ASSIGNMENTS. The Board discussed the various committees requiring Commissioner participation. They agreed on the allocation of assignments and made the required motions, all as shown below.

● **MOTION.** Commissioner Riegel made a motion to appoint Mark Ricks to the Eastern Idaho Public Health board. Motion seconded by Commissioner Wilcox and carried unanimously.

● **MOTION.** Commissioner Wilcox made a motion to appoint Mark Ricks to the 7th Judicial District Magistrate Commission. Motion seconded by Commissioner Riegel and carried unanimously.

● **MOTION.** Chairman Ricks made a motion to appoint Harley Wilcox to the Tri-County Misdemeanor Probation board and the 5-C Juvenile Detention Facility board. Motion seconded by Commissioner Riegel and carried unanimously.

● **MOTION.** Commissioner Wilcox made a motion to appoint Cindy Riegel to serve on the board of High Country RC&D. Motion seconded by Chairman Ricks and carried unanimously.

● **MOTION.** Commissioner Riegel made a motion to appoint Harley Wilcox to serve on the board of The Development Company. Motion seconded by Chairman Ricks carried unanimously.

Commissioner Committee Assignments for 2017-2018

Cindy	City of Victor	As Needed
Cindy	Henry's Fork Watershed Council	Monthly
Cindy	Teton Water Users Association	Monthly
Cindy	Teton Food & Farm Coalition	tbd
Cindy	Eastern Idaho Community Action Partnership	Monthly
Cindy	Employee Committee	Monthly
Cindy	*High Country RC&D	Quarterly, meets afternoon of ECIPDA
Cindy/Harley	Teton Area Advisory Forum (TAAF)	Monthly
Harley	Fair Board/Eastern Idaho State Fair	Monthly
Harley	City of Driggs	As Needed
Harley	*Tri County Misdemeanor Probation (&Teton Drug Court)	Quarterly
Harley	*5C Juvenile Detention	Quarterly
Harley	*The Development Company (ECIPDA)	Quarterly, meets evening of RC&D
Mark	Council of Governments (COG)	Monthly
Mark	*Eastern Idaho Public Health	Quarterly + as needed
Mark	*Magistrate Commission	As needed
Mark	City of Tetonia	As Needed
Mark	Local Emergency Planning Council (LEPC)	Monthly
Mark/Cindy	Eclipse Planning	Weekly
Mark/Cindy/Harley	School Board Meetings	Quarterly, or as needed

**These committees require a formal motion.*

COMMISSIONER CALENDAR. The Board reviewed their 2017 schedule. Town Hall meetings are planned for January 23 (Cedron Road Shoulder Widening Project) and April 10 (Road Report & Snowplowing Policy). The Board decided to schedule a March 13 Town Hall meeting to discuss the effects of government on business and a May 8 meeting to discuss the Bates River boat ramp and park. Chairman Ricks said it would be important to solicit participation at these meetings by inviting specific individuals who might be interested in the topic, as well as by advertising the in the newspaper, website and elsewhere.

MEETING PROTOCOL. The Board discussed how to shorten meetings and make them more efficient. It was agreed that the agenda and packet information submittal deadline should be moved up to 5 pm Tuesday in order that agenda packets could be available Thursday morning. It was also decided that it may not be necessary for department heads to be present at every meeting. Clerk Hansen encouraged the Board to meet regularly with the employees they supervise directly, and to meet with them as a Board, not just as individuals.

- **MOTION.** Commissioner Riegel made a motion to approve the retail alcoholic beverage license for Teton Valley Foundation for their January 13, 2017 Chiller Dedication event. Motion seconded by Commissioner Wilcox and carried unanimously.

- **MOTION.** Commissioner Riegel made a motion to approve the changes to the Non-Motorized Pathways Ordinance as presented, with the addition of a signature block for Chairman Ricks. Motion seconded by Commissioner Wilcox and carried unanimously. (Attachment #8)

Executive Assistant Holly Wolgamott said the changes to this ordinance had been reviewed and approved by Skyliners Motor Club President Wade Kaufman. She is still working with him to obtain a copy of the 1996 agreement that he referenced during the December 12 meeting.

- **MOTION.** Commissioner Riegel made a motion to approve the letter of support as requested by Denny Arnold asking Governor Otter to reduce the speed limit in Felt from 65 mph to 45 mph. Motion seconded by Commissioner Wilcox and carried unanimously. (Attachment #9)

COMMITTEE REPORTS. Commissioner Riegel attended a meeting of the Teton Water Users Association during which she learned that Friends of the Teton River and Teton Regional Land Trust had received an \$825,000 grant for the Teton River Corridor project. The Water Users will be inviting the Commissioners to a January 26 coffee/dessert event at Cicero’s.

Commissioner Riegel has been asked to provide a 10-minute “State of My Jurisdiction” presentation at the annual “22 in 21” meeting of the Charture Institute in Jackson, Wyoming on January 19. She is happy to do so, but is also happy to let one of the other commissioners provide the Teton County Idaho update.

EXECUTIVE SESSION

- **MOTION.** At 4:35 pm Commissioner Riegel made a motion for Executive Session pursuant to Idaho Code 704-206(1)(a)&(d) for personnel and indigent matters. Motion seconded by Commissioner Wilcox and a roll call vote found all in favor. The Executive Session ended at 5:20 pm.

- **MOTION.** Commissioner Riegel made a motion to deny Indigent Case #1T-2017-10007 due to lack of cooperation. Motion seconded by Commissioner Wilcox and carried unanimously.

CLAIMS

- **MOTION.** Commissioner Riegel made a motion to approve the following claims as presented. Motion seconded by Commissioner Wilcox and carried unanimously.

General	\$52,681.09
Road & Bridge.....	34,669.73
Court & Probation	39,276.12
Court-Restitution	57,203.38
Elections-State Funds	64.88
Solid Waste.....	21,689.43
Parks & Rec.....	1,912.50
Road Levy	49,315.50
E911	3,609.23
Extension & 4H Programs.....	155.35
Fairgrounds & Fair	1,403.18
Grants	1,049.00
TOTAL	\$263,029.39

● **MOTION.** At 5:56 pm Commissioner Riegel made a motion to recess the meeting until Wednesday at 9:00 am when the Board would reconvene to finish their agenda business and hold Executive Sessions for legal and personnel. Motion seconded by Commissioner Wilcox and carried unanimously.

Board of County Commissioners: January 11, 2017 Continuation Meeting

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

COMMISSIONERS PRESENT: Mark Ricks, Cindy Riegel, Harley Wilcox

OTHER ELECTED OFFICIALS PRESENT: Clerk Mary Lou Hansen, Prosecutor Billie Siddoway, Treasurer Beverly Palm

Chairman Ricks reconvened the meeting at 9:20 am.

Risk Manager Holly Wolgamott spoke about best practices related to agenda amendments. She explained that agenda publication requirements are intended to guarantee the public the opportunity to know what's on an agenda so they can participate if desired. She said the public's biggest complaint is that the County is not transparent. Although amending an agenda during a meeting is technically legal if a good faith reason is given, it still gives the impression of a lack of transparency.

The Board decided that the removal of computers from the Prosecutor's office could be discussed in Executive Session pursuant to 704-206(1)(i) claim prevention.

APPLIED COMMUNICATIONS CONTRACT FOR REVIEW OF DRAFT CODE

Since this item was added to the agenda after Open Mic, Commissioner Riegel asked if the public could be allowed to comment about it. Chairman Ricks agreed.

Former Commissioner Bill Leake said he had supported the contract because it was important to get an outside review of the draft Code and identify any necessary changes in order to help the Board move the process forward.

Commissioner Wilcox said he did not disagree with the need for professional review, just the process and timing. He said the contract had been approved after being added to the agenda at the last minute and believes the Board should have obtained competing proposals with specific deliverables.

Commissioner Riegel said contract was actually approved on December 27 after being itemized on the agenda and included in the meeting packet and on the County website. The contract does include a Scope of Work with specific deliverables. She said there is no requirement for an RFB for professional services.

The Board finalized this contract discussion later in the meeting when they had a clearer understanding of the Planning & Zoning Commission schedule due to their conversation with PZC Chairman Cleeve Booker.

At that time, Commissioner Riegel said she had previously understood that the red-lined version of the code (see below) would be submitted to the Board. Therefore, she had supported the Applied Communications contract so the Board could obtain a professional, technical review of the draft, along with suggestions about how to proceed, before beginning their review process. Now that she has learned the PZC will produce a second red-lined document, she agrees that the technical review to be performed by Applied Communications should be postponed until the final draft document is available from the PZC.

● **MOTION.** Commissioner Wilcox made a motion to put the Professional Agreement with Applied Communication for review of the draft code on temporary hold until further notice. Motion seconded by Commissioner Riegel and carried unanimously.

PLANNING & ZONING COMMISSION

Chairman Cleeve Booker said the PZC is trying to stay out of the politics and move forward with the Code. They have been working on the document for two years and would like to get a clean copy to the Board. He said the PZC is currently awaiting delivery of a draft document with the red-lined changes that were requested after the first public hearing process. The Land Use Assistant said the red-lined draft has not been produced because a planner must write the requested new definitions and tell her what words to insert. Mr. Booker and the Board discussed what must occur before the PZC is able to deliver a final draft document to the Board. They identified the following multi-step process:

1. Mr. Booker and the Land Use Assistant will create a detailed list of the exact changes desired.
2. The PZC will meet as soon as possible to review and finalize that list of changes.
3. The changes will be made and the red-lined code reviewed by the PZC for accuracy.
4. The PZC will hold public outreach activities and/or a formal public hearing.
5. The PZC will discuss the comments received and make any changes deemed necessary.
6. The PZC will make a formal recommendation and send their final draft to the Board.

Everyone agreed that it was important to continue moving forward with the process as quickly as possible. Mr. Booker said he could help complete Task #1 within the next week and would immediately begin the process to schedule a PZC meeting.

When different changes to the draft code are voted on, Chairman Ricks said he would like to know the results of those votes because he would perceive a change approved by a 4-3 vote quite differently than one approved by a 6-1 vote.

Mr. Booker reminded the Board that the PZC was currently one member short, and that a new member was needed to complete the 9-member Board in order to avoid tie votes.

LEGAL COUNSEL FOR SOLID WASTE FEE LAWSUIT

Commissioner Riegel said the Board met in Executive Session Monday morning with Deputy Prosecutor Lindsey Blake in order to obtain advice regarding the previous Board's process of hiring outside counsel. She said there was a difference of opinion regarding whether attorney Chris Meyer was hired properly or not and whether Ms. Blake had a conflict.

Prosecutor Siddoway said Chairman Ricks should obtain advice from his personal attorney regarding how his conflict in this lawsuit affects his ability to participate in the discussion about the legitimacy of the previous Board's hiring process. She suggested the Chairman review four possible areas of conflict:

1. Solid waste litigation
2. General process for hiring outside counsel
3. Whether outside counsel should be hired
4. Was the January 3 hiring appropriate

Commissioner Wilcox said he wanted to discuss the specific hiring decision and procedure and had understood the Board was going to seek outside advice. Prosecutor Siddoway said there was no reason for her not to provide advice about the hiring procedure. Commissioner Riegel said the hiring procedure was intricately tied to the solid waste fee lawsuit and she would be more comfortable obtaining advice from outside counsel.

Commissioner Riegel insisted that Mr. Meyer's hiring was legal, but Prosecutor Siddoway disagreed and offered to fashion a complaint against the Board and file it with the court so that the court could decide whether the hiring was legal.

The meeting was recessed at 12:09 pm. Chairman Ricks called the meeting back to order at 1:07 pm.

Commissioner Riegel announced that she had a solution that would eliminate Prosecutor Siddoway's concern that the County's hiring of Mr. Meyer was illegal because there was no finding of necessity in the minutes. She

said she had written a memo providing details about the January 3 Executive Session discussion which led to the Board's decision to hire outside counsel. Her memo had been signed by four of the six persons present at that Executive Session; Commissioner Riegel said she would obtain the other two signatures.

Commissioner Riegel read aloud from her memo, which summarized what the Board learned about Prosecutor Siddoway's conflict, and the January 23 Supreme Court deadline, which caused them to decide it was necessary to hire outside counsel (Attachment #10).

Commissioner Riegel also read aloud from an email written by Mr. Meyer after a January 9 phone conference with Prosecutor Siddoway. He refuted the Prosecutor's claim that the engagement of his firm was defective and disputed her belief that it would be ethical for her Deputy Prosecutor to counsel the Board (Attachment #11).

Finally, Commissioner Riegel provided a copy of the County's Engagement Letter with Givens Pursley law firm wherein the County's need for outside counsel was clearly articulated (Attachment #12).

Chairman Ricks said the decision to hire a new attorney could have waited for the new Board rather than burdening the new Board with a last minute decision by the prior Board. Commissioner Wilcox said the Board should ignore Mr. Meyer's email because it was in his firm's financial interest to continue representing the County, creating a conflict for him. Commissioner Wilcox also questioned how the previous Board could know that Prosecutor Siddoway had a conflict without asking her themselves.

Commissioner Riegel said the Board knew that Commissioners Ricks and Wilcox, along with Prosecutor Siddoway, had been discussing the case with Moulton Law Office and that Commissioner Wilcox had not heard any of the arguments from the County's perspective. The Board also knew there was a January 23 deadline with the Supreme Court. The Board hired Mr. Meyer to be sure the County had an effective and vigorous defense since so much was at stake with this lawsuit. Commissioner Riegel asked Commissioner Wilcox to go into Executive Session with Mr. Meyer to discuss the lawsuit.

Commissioner Wilcox said he was uncomfortable talking with Mr. Meyer until the issue of his hiring was resolved. He asked what would be best for the public. He expressed concern about the cost of a Supreme Court appeal and the cost of an expensive attorney. He said private law firms can establish a "wall" between attorneys to eliminate conflicts and believed the Prosecutor's office could do the same.

The Board made a pre-arranged call to attorney Carl Ericksson at ICRMP (the County's insurance agency). Mr. Ericksson said he had been asked to provide his legal advice regarding the question, "If an elected prosecutor has a conflict, would it be possible for a deputy prosecutor to handle the case by establishing a 'Chinese' wall."

Mr. Ericksson said the critical aspect of this situation is the fact that the deputy is stepping into the shoes of the elected official to perform that official's duties. The deputy is acting for, and on behalf of, the elected official. Therefore, if the elected official has a conflict, he said a "Chinese" wall would not eliminate the conflict for the Deputy. Mr. Ericksson said this is a much different situation than what occurs in private practice, but admitted there might be differing opinions.

Commissioner Riegel said Commissioner Wilcox was putting the County at risk by not talking with the County's attorney, Mr. Meyer. Commissioner Wilcox said the issue here is what is best for the County, and asked Commissioner Riegel if she were open to settling this case. Commissioner Riegel said she would welcome the chance to have that discussion in Executive Session with Mr. Meyer and Commissioner Wilcox.

Since Commissioners Wilcox and Riegel are the only two Commissioners able to make a decision, Chairman Ricks asked them what was needed to resolve this issue.

Commissioner Riegel said the hiring issue had been resolved by the information she provided after lunch. She said Commissioner Wilcox should do his duty by speaking with the attorney hired by the former Board.

Chairman Ricks recessed the meeting at 2:33 and called it back to order at 2:53 pm.

Commissioner Wilcox said he was still unwilling to go into Executive Session to talk with an attorney he feels was hired improperly, but is not opposed to outside counsel. He said he believes the previous Commission is forcing their will on the current Commission.

Commissioner Riegel said she had just talked with Mr. Meyer who is willing to talk with the Board in open session about the hiring process. She said Mr. Meyer and Mr. Moulton are currently discussing time sensitive issues and negotiations are going on in a good faith effort and in the best interest of the County. She said it sounded like the two attorneys were working some things out.

Commissioner Wilcox said he would like time to do more research. Chairman Ricks said he needs advice regarding whether he's conflicted regarding the hiring decision.

Commissioner Riegel said there was no need to revisit the decision to hire outside counsel. She expressed concern that there was an effort to sabotage this case and this attorney because Prosecutor Siddoway had refused to sign a Substitution of Counsel for the January 17 stay hearing.

The Board agreed to hold a special meeting to discuss this issue further.

The following motions were made at different times during the preceding discussion, but each motion failed due to the lack of a second:

- Commissioner Wilcox made a motion to hire Givens Pursley LLC to represent the County on this case.
- Commissioner Riegel made a motion for Executive Session per IC 704-206(1)(f) to discuss the solid waste fee case with attorney Chris Meyer.
- Commissioner Wilcox made a motion for Executive Session per IC 704-206(1)(f) to discuss the hiring process.
- Commissioner Wilcox made a motion to give notice to Givens Pursley LLC that there is a conflict within the Commission regarding the procedure to hire him.

INTERIM PLANNER

The Board discussed the need for an interim planner and identified several tasks currently needing planning expertise:

- Daily planning and permitting
- Preparation of the red-line code and assist PZC to move project forward
- Answering specific land use questions from potential applicants
- Eclipse permitting process for camping

Commissioner Wilcox emphasized the need to have someone in the office on a regular basis in order to answer technical land use questions. They estimated that an interim planner might work 15-20 hours per week. The possibility of contracting with Driggs Planner Ashley Koehler was mentioned, but Ms. Wolgamott said Ashley would not be available for that many hours.

EXECUTIVE SESSION

● **MOTION.** At 3:12 pm Commissioner Wilcox made a motion for Executive Session to discuss personnel matters and potential claims pursuant to IC 74-206(1)(a)& (i). Motion seconded by Commissioner Riegel and a roll call vote showed all in favor. The Executive Session ended at 3:54 pm.

The Board asked Ms. Wolgamott to contact the local folks who had applied for the planner position to learn if they might be interested in the interim position.

ADMINISTRATIVE BUSINESS

The Board scheduled a special meeting for 12 noon on January to discuss legal counsel for the solid waste fee lawsuit and other topics. Ms. Wolgamott will post the agenda at least 24 hours prior to that the meeting.

● **MOTION.** At 4:11 pm Commissioner Wilcox made a motion to adjourn. Motion seconded by Commissioner Riegel and carried unanimously.

Mark Ricks, Chairman

ATTEST: _____
County Clerk or Deputy

Attachments: #1 TREC briefing and 2016 Progress Report
#2 Emergency Mgt, Mosquito Abatement and IT report
#3 S. Fox planning memo
#4 Public Works update
#5 Letter to Ard Farms
#6 Quarterly financial report
#7 Resolution 2017-0109 Budget Adjustments for first quarter FY 2017
#8 Non-Motorized Pathways Ordinance
#9 Letter to Governor requesting lower speed limit in Felt
#10 C. Riegel memo regarding Executive Session decision to hire outside counsel for solid waste fee litigation
#11 C. Meyer email regarding decision to hire outside counsel and conflict in Prosecutor's office
#12 Givens Pursley letter of engagement

Draft

Board of Teton County Commissioners

MINUTES: January 13, 2017

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

AGENDA

12:00 MEETING CALL TO ORDER – Chair

Amendments to Agenda

1. Solid Waste Fee Lawsuit
 - a. Hiring of outside counsel
 - b. Executive Session as needed per IC74-206(1)(f) legal consultation and (i) for risk management
2. Interim Planner
 - a. Executive Session as needed per IC74-206(1)(a) for personnel
 - b. Discussion of January 20th Planning Administrator interview
3. Penalty and Interest on 2015 Solid Waste Fee Non-Payments or Partial Non-Payments
4. Acquisition of Electronic Equipment for New Prosecuting Attorney's Office
5. Disposal of Former Prosecuting Attorney's Office Computers
 - a. Executive Session as needed per IC74-206(1)(i) for risk management
6. Approval to Pay Lead Auditor at 106% of Market Rate
 - a. Executive Session as needed per IC74-206(1)(b) for personnel

COMMISSIONERS PRESENT: Mark Ricks, Harley Wilcox, Cindy Riegel

OTHER ELECTED OFFICIALS PRESENT: Clerk Mary Lou Hansen, Treasurer Beverly Palm, Prosecutor Billie Siddoway

Chairman Ricks called the meeting to order at 12:03 pm.

● **MOTION.** Commissioner Wilcox made a motion to approve the agenda as modified within the past 24-hours. Motion seconded by Commissioner Riegel and carried.

LEGAL COUNSEL FOR SOLID WASTE FEE LAWSUIT

Chairman Ricks announced that the County had been copied on a January 12 email sent by attorney Chris Meyer to Prosecutor Siddoway stating that he would proceed with motions to withdraw from the solid waste fee lawsuit due to her failure to respond to his recent emails, putting him in an untenable position (Attachment #1). As a result, Chairman Ricks said Commissioners Wilcox and Riegel should discuss the hiring of outside counsel while Chairman Ricks recuses himself due to his conflict in this matter.

Commissioner Riegel said she would like to resolve the situation peacefully and professionally and wants the Board to develop a good working relationship. However, she believes the actions of Prosecutor Siddoway and Commissioner Wilcox during the previous meeting were purposefully planned to thwart the former Board's decision to hire outside legal counsel and prevent Commissioner Wilcox from discussing the merits of the case with Mr. Meyer. She continues to believe that Prosecutor Siddoway is conflicted and asked Commissioner Wilcox to go into Executive Session to discuss the need to hire outside counsel.

Prosecutor Siddoway said she has a conflict of interest in this case and has no interest in representing the County. She said the issue she raised with the Commission wasn't whether there was a necessity to hire outside counsel, only whether there had been a finding of necessity on the record. Prosecutor Siddoway said her office is now stepping away from this case and would be happy to recommend attorneys to represent the County.

Commissioner Riegel said she was happy to learn that the Prosecutor now agreed with the necessity of hiring outside counsel since she had previously insisted that her Deputy Prosecutor could handle the case. She asked the Prosecutor to clarify the status of County representation at the Motion of Stay hearing scheduled for January 17. Prosecutor Siddoway said the County currently had no counsel of record on that case so anyone could probably call the court office and get the date changed.

Plaintiff's attorney Roy Moulton said he would notify the court of the need for a postponement. He said he had intended to submit a motion to withdraw Mark Ricks as a plaintiff in this lawsuit so that Mr. Ricks could function as a county commissioner; the motion would require an opinion from the Attorney General. After further discussion, Mr. Moulton said he would ask the court to continue the Motion of Stay hearing without introducing a motion to withdraw Commissioner Ricks as a plaintiff.

Commissioners Riegel and Wilcox discussed the best approach to hiring an attorney. They asked Executive Assistant Holly Wolgamott to contact ICRMP and the Idaho Association of Counties to obtain the names of their top two recommended attorneys. They said she should then contact those four attorneys to learn if they are interested in representing the County and also provide them a list of plaintiffs for a conflict check. Commissioners Riegel and Wilcox would then interview the attorneys and decide who to hire.

PLANNING ADMINISTRATOR

Ms. Wolgamott reported that she had contacted both persons who might be suitable for the contracted Interim Planner position and both are interested in the job. Later in the meeting, after an Executive Session, the Board decided to hold a special meeting on January 18 to interview both candidates.

The Board discussed plans for their January 20 interview of a Planning Administrator candidate. His flight arrives in Jackson Thursday afternoon and departs Saturday afternoon. His interview with the Board is set for 8:30 am. Planning & Zoning Chairman Cleeve Booker was invited to participate. Mr. Booker welcomed the opportunity to observe the interview, and to take the applicant out to lunch afterwards, but said he would not ask any questions. Mr. Booker said it was important for the County to hire a Planning Administrator who would stay with the County and provide stability to that position. Ms. Wolgamott will make arrangements for the applicant to meet other folks he may end up working with.

Mr. Booker suggested that there be a future joint meeting with the Board, Commission and new PA to receive training from a statewide expert regarding their respective roles and responsibilities.

PENALTY & INTEREST ON 2015 SOLID WASTE FEES

- **MOTION.** Commissioner Wilcox made a motion to approve a letter instructing the Treasurer how to deal with these fees. Motion seconded by Chairman Ricks with discussion followed.

Commissioner Wilcox said the letter he distributed was written with the help of Prosecutor Siddoway in response to Treasurer Beverly Palm's January 10 letter to the Board (Attachment #3). In that letter Treasurer Palm said the former Prosecutor had instructed her to take no actions related to any lawsuit judgements since the case was still being litigated. She asked the Board's approval to seek outside legal counsel regarding the interpretation of Judge Moeller's decisions since there could be a conflict with the current Prosecutor.

Commissioner Riegel questioned whether Prosecutor Siddoway should be providing legal advice regarding this matter since she is conflicted and also whether Chairman Ricks should participate in the discussion due to his status as a plaintiff in the lawsuit.

Prosecutor Siddoway said Commissioner Wilcox's letter is not discussing how to treat the plaintiffs in the solid waste fee lawsuit, but how to treat every taxpayer with unpaid 2015 solid waste fees. Therefore, neither she nor Chairman Ricks are conflicted. She said it is her opinion that the County will be in violation of the judgement if the Treasurer sends out past-due pink slip notices.

Treasurer Palm said she doesn't want to jeopardize the County but is unclear about the interpretation of the Court's judgement. She described the limitations of the computer software she uses to track property taxes and send out notices.

EXECUTIVE SESSION

● **MOTION.** At 1:48 pm Commissioner Wilcox made a motion for Executive Session pursuant to Idaho Code 704-206(1)(f) to speak with legal counsel regarding a pending claim. Motion seconded by Commissioner Riegel and a roll call vote showed all in favor, but with Commissioner Riegel stating that she was uncomfortable taking legal advice from Prosecutor Siddoway on this matter.

The Executive Session ended at 2:08 pm and Commissioner Wilcox withdrew his motion. Chairman Ricks said Treasurer Palm would work with the State Tax Commission and Prosecutor Siddoway.

PROSECUTOR COMPUTERS

Ms. Wolgamott reviewed her memo regarding the disposal of computers from the former Prosecutor’s office (Attachment #3). The former Prosecutor and Deputy used Mac computers. After the incoming Prosecutor indicated she did not use Mac computers, the former Prosecutor learned from the IT department that those computers had no value and would be destroyed by the IT department. The former Prosecutor subsequently requested and received approval from the Board to dispose of the two laptops and two monitors pursuant to IC 31-829 and the County received a \$700 check from the former Deputy Prosecutor in payment of those items. Ms. Wolgamott also learned that all County files were kept on County servers or Google Docs, not on the computer hard drives.

Finally, Ms. Wolgamott learned that there were two computers in the Prosecutor’s office on January 9 and that replacement computers for the Prosecutor and Deputy had not been ordered because IT staff was waiting to learn their requirements.

● **MOTION.** Commissioner Wilcox made a motion to approve purchasing new computers for the Prosecutor’s office using funds from the IT contingency account 1-14-526 for a cost of not more than \$3,828.90. Motion seconded by Chairman Ricks and carried unanimously.

● **MOTION.** Commissioner Riegel made a motion to approve County cell phones for the Prosecutor and Deputy Prosecutor. Motion seconded by Commissioner Wilcox and carried unanimously.

LEAD AUDITOR SALARY REQUEST

The Board discussed Clerk Hansen’s request to pay the Lead Auditor at 106% of the market rate due to the fact that his critical position is under-valued by the County’s current pay structure, as supported by a letter from CPA Brad Reed (Attachment #4). She said the Lead Auditor was considering accepting a different position and his knowledge and accounting skills would be a great loss to the County. Clerk Hansen said she would reduce the number of hours he worked each week so this change would not increase her budget.

Although the Board was sympathetic to the request, they felt it would be unfair to other employees and said raises should be approved during the budget process. Ms. Wolgamott said the Lead Auditor should have negotiated a higher starting salary if he felt the market rate was inadequate.

EXECUTIVE SESSION

● **MOTION.** At 3:12 pm Commissioner Riegel made a motion for Executive Session to discuss personnel matters pursuant to IC 74-206(1)(a). Motion seconded by Commissioner Wilcox and a roll call vote showed all in favor. The Executive Session ended at 3:55.

● **MOTION.** At 3:56 pm Chairman Ricks made a motion to adjourn. Motion seconded by Commissioner Wilcox and carried unanimously.

Mark Ricks, Chairman

ATTEST: _____
County Clerk or Deputy

- Attachments: #1 C. Meyer email regarding motions to withdraw
#2 Jan. 10 letter from Treasurer Palm
#3 H. Wolgamott memo regarding Prosecutor office computers
#4 Clerk Hansen memo regarding lead auditor salary

Board of Teton County Commissioners

MINUTES: January 18, 2017

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

AGENDA

1:00 MEETING CALL TO ORDER – Chair

Amendments to Agenda

1. Interim Planner Contract Position
 - a. Executive Session as needed per IC74-206(1)(a) for personnel

COMMISSIONERS PRESENT: Mark Ricks, Harley Wilcox, Cindy Riegel

OTHER ELECTED OFFICIALS PRESENT: Clerk Mary Lou Hansen

Chairman Ricks called the meeting to order at 1:10 pm.

EXECUTIVE SESSION

● **MOTION.** At 1:13 pm Commissioner Riegel made a motion for Executive Session to discuss personnel matters pursuant to IC 74-206(1)(a). Motion seconded by Commissioner Wilcox and a roll call vote showed all in favor. The Executive Session ended at 3:00 pm.

● **MOTION.** Commissioner Riegel moved to hire Joshua Chase as a Temporary Contract Planner seconded by Commissioner Wilcox and carried unanimously.

● **MOTION.** At 3:23 pm, Commissioner Riegel made a motion to adjourn. Motion seconded by Commissioner Wilcox and carried unanimously.

Mark R. Ricks, Chairman

ATTEST: _____
County Clerk or Deputy

Teton County Idaho Commissioners' Special Meeting Agenda
Friday January 20, 2017 8:30 am
150 Courthouse Drive, Driggs, ID – 1st Floor Meeting Room

8:30 MEETING CALL TO ORDER – Chair
Amendments to Agenda

1. Planning Administrator Interview
 - a. Executive Session as needed per IC74-206(1)(a) personnel
2. Temporary Contract Planner Contract

COMMISSIONERS PRESENT: Mark Ricks, Harley Wilcox, Cindy Riegel

OTHER ELECTED OFFICIALS PRESENT: None
Chairman Ricks called the meeting to order at 8:40 am.

EXECUTIVE SESSION

● MOTION. At 8:40 am Commissioner Riegel made a motion for Executive Session to discuss personnel matters pursuant to IC 74-206(1)(a). Motion seconded by Commissioner Wilcox and a roll call vote showed all in favor. The Executive Session ended at 11:40 am.

The temporary planner contract was not available for discussion.

● MOTION. At 11:45 am, Commissioner Riegel made a motion to adjourn. Motion seconded by Commissioner Wilcox and carried unanimously.

Mark R. Ricks, Chairman

ATTEST: _____
County Clerk or Deputy

Board of Teton County Commissioners

MINUTES: January 23, 2017

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

9:00 MEETING CALL TO ORDER – Chair
Amendments to Agenda

PUBLIC WORKS – Darryl Johnson

1. Solid Waste
 - a. Recycling Baler Replacement Request
 - b. Approval of Loader Replacement Tires
 - c. Recycler/Operator Position Available
2. Road & Bridge
 - a. Plowing Update
3. Engineering
 - a. Cedron Road Shoulder Improvement Project
 - b. SH33 Gravel Pit Reclamation
 - c. Bates Road Boat Ramp Update
 - d. Packsaddle Road Vacation

9:30 OPEN MIC (*if no speakers, go to next agenda items*)

10:00 SHERIFF– Bridger Smith
1. Approval to Hire Deputy Sheriff

10:30 JUVENILE PROBATION – Rene Leidorf
1. Quarterly Report
2. 2016 Idaho Juvenile Justice Report – Shane Boyle

11:00 2017 ECLIPSE PLANNING – Alan Allred

11:30 THE DEVELOPMENT GROUP – Ted Hendricks

PLANNING – Holly Wolgamott

1. Update from Planning Services Assistant
2. Update on Planning Administrator Position

TREASURER – Beverly Palm

1. Quarterly Report

1:00 SOLID WASTE FEE

- a. Executive Session to Hire Outside Counsel as per IC74-206(1)(f)

ADMINISTRATIVE BUSINESS (*as time permits*)

1. Approve Available Minutes
2. Other Business
 - a. Discussion of Proposed Changes to Sign Ordinance
 - b. Discussion of Proposed Changes to Dog Ordinance
 - c. Discussion of Proposed Changes to Teton County Fee Schedule
 - d. Approval of County Revaluation Program – Contract for Appraisal Services
 - e. Executive Session for pending litigation on all civil cases involving the County per IC74-206(1)(f)
 - f. Executive Assistant Report
 - g. Beer & Wine licenses, if any
 - h. Certificates of Residency (2)
 - i. Committee Reports
 - j. Claims

COMMISSIONERS PRESENT: Mark Ricks, Harley Wilcox, Cindy Riegel

OTHER ELECTED OFFICIALS PRESENT: Assessor Bonnie Beard, Clerk Mary Lou Hansen, Treasurer Beverly Palm, Sheriff Tony Liford, Prosecutor Billie Spitzer, Magistrate Jason Walker

Chairman Ricks called the meeting to order at 9:03 am and led the Pledge of Allegiance.

PUBLIC WORKS

Director Darryl Johnson reviewed his bi-monthly report (Attachment #1).

● **MOTION.** Commissioner Wilcox made a motion to approve purchase of replacement foam filled tires for the Transfer Station loader from Kaufman tire. The \$17,593.20 tire purchase will be paid from solid waste line item 23-473-002. Motion seconded by Commissioner Riegel and carried.

HIGHWAY 33 GRAVEL PIT RECLAMATION. Mr. Johnson said he and Commissioner Riegel participated in a January 20 conference call with officials from the Idaho Department of Lands regarding reclamation of the County's former gravel pit on Highway 33, which is now owned by Josh Thulin. Mr. Johnson said IDL continues to insist that the County is obligated to reclaim the pit according to a reclamation plan submitted by a previous Road & Bridge Supervisor, even though the current owner has kicked the County off-site during past attempts to reclaim the property. Mr. Johnson said Mr. Thulin would probably want to meet with the Board to discuss the situation.

Commissioner Riegel said IDL is adamant about the County's reclamation responsibility and will ask the Attorney General's office to perform a legal review if the County fails to act. If the AG agrees that the work should be performed, IDL would enforce that decision by hiring a contractor to complete the reclamation work and pass all costs on to Teton County. Since Mr. Thulin opposes the project, Commissioner Riegel said it may be best to let IDL enforce the requirement.

BATES BRIDGE BOAT RAMP. Mr. Johnson distributed a drawing of the proposed ramp and parking area which showed the small cabin in the middle of the construction area. He said the Board needs to discuss their plans for the cabin. Design, permitting and construction will be performed by the Idaho Department of Fish & Game, which has provided a \$50,000 grant to cover the cost of materials. The County will provide gravel at cost.

OPEN MIC

Chairman Ricks said comments would be limited to three minutes. He asked speakers to limit their comments to items on the agenda and to be respectful.

Marie Tyler spoke about outside counsel for the solid waste fee lawsuit. Marian Ruzidcka spoke about the solid waste fee. Daniel McDonald spoke about a Conditional Use Permit for church meetings. Sid Kunz spoke about the Cedron road shoulder project and public access in the Edgewood Estates Subdivision.

SHERIFF

Sheriff Tony Liford and Chief Deputy Bridger Smith requested approval to hire a new Deputy Sheriff in order to perform court security duties, routine patrol duties and re-establish the Sheriff's Work Detail. Funds for the new position would be transferred out of the Court's "Security Officer" budget and the Prosecutor's "Investigator" budget. Magistrate Judge Jason Walker expressed his support for the position and for the Sheriff's Work Detail, which provides an important sentencing option.

● **MOTION.** Commissioner Wilcox moved to approve hiring a new deputy sheriff using unexpended funds in the Prosecutor and Court budgets. Motion seconded by Commissioner Wilcox and passed unanimously.

EXECUTIVE SESSION

● **MOTION.** At 10:21 am Commissioner Riegel moved for Executive Session to discuss pending litigation on all civil cases involving the County pursuant to Idaho Code 704-206(1)(f). Motion seconded by Commissioner Wilcox and a roll call vote found all in favor. The Executive Session ended at 10:41 am.

JUVENILE PROBATION

Chief Juvenile Probation Officer Rene Leidorf reviewed her quarterly report, which included a one-day snapshot of her December 31 caseload (Attachment #2). Ms. Leidorf described the County's "diversion" program which aims to correct the actions of first time offenders without creating a permanent criminal record. Judge Walker affirmed the value of the diversion program and emphasized the importance of Ms. Leidorf's work, even though the number of juveniles is currently low.

Ms. Leidorf said the 5-C Juvenile Detention Center in St. Anthony is a County-owned facility and is typically used for short-term detention. A juvenile with repeated offenses may be sent to the Idaho Department of Juvenile Corrections facility, which is also in St. Anthony.

Shane Boyle, District Liaison for the Idaho Department of Juvenile Corrections, reviewed his annual report which provided a multi-year history of juvenile corrections activity in Teton County (Attachment #3). He said the entire state experienced a decline in juvenile offenses during 2016.

2017 ECLIPSE PLANNING

Alan Allred reviewed his written report titled "Breakdown of Needs Based on 30,000 non-Self-Contained Visitors" (Attachment #4). The Board questioned how the projected number of visitors had been determined and discussed the advantages of multiple dispersed campgrounds vs. one or two large "village" campgrounds.

Mr. Allred said the Eclipse Planning Committee had expected private entrepreneurs to provide camping facilities, but that no one had yet stepped forward. He said thousands of people are expected to come to the valley with no place to stay. The Committee believes it would be best to provide a centralized campground for these folks to protect the environment and to focus the need for emergency and law enforcement services, and sanitation facilities. However, Mr. Allred stressed that the goal of the Committee is to support the County Commissioners.

The Board said they are very interested in learning how much money the County might be asked to provide. Commissioner Wilcox believes dispersed camping would be better than a large village and would like the County to create plans that would help entrepreneurs make money. Chairman Ricks said his goal is to limit the risk and cost to County taxpayers.

THE DEVELOPMENT COMPANY (ECIPDA)

Ted Hendricks and Rick Miller said their organization is a quasi-governmental entity created about 40 years ago which currently serves nine counties and 45 cities. The Development Company helps governments acquire and administer grants and also administers a revolving loan program and charges fees for their services. The Development Company is currently remodeling the former Ford garage building in order to provide classroom space for Eastern Idaho Technical College and indoor parking for all public transportation buses. The project should be complete by June, 2017. The organization is a non-profit entity registered with the IRS as East-Central Idaho Planning & Development Association, Inc. (ECIPIDA), and doing business as The Development Company.

PLANNING

The Board learned that Planning & Zoning Commissioner Bruce Arnold resigned from the PZC effective January 16, leaving two vacancies on that 9-member board. They discussed whether to recruit new members for the vacant positions or reduce the size of that board and decided to ask the PZC for a recommendation.

The Board was disappointed to learn that the Planning Administrator candidate interviewed January 20 had declined the County's job offer. They asked Ms. Wolgamott to immediately advertise the position for two weeks with a salary range of \$65,000-80,000 DOE.

TREASURER

Treasurer Beverly Palm reviewed her quarterly report (Attachment #5).

Treasurer Palm said it was necessary for her to begin mailing delinquency notices in order to start the tax deed process for 2013 delinquencies and the warrant of distraint process for mobile homes. She said the delinquency notices also served as a courtesy reminder for taxpayers who simply overlooked the December 20 deadline and did not realize that interest and penalties were accruing on their past due taxes. She does not plan to send notices to property owners whose only delinquency is related to the 2015 solid waste fee.

● **MOTION.** Commissioner Riegel moved to approve the following 4th quarter 2016 tax cancellations: RP 005610000330 A owned by Robin Jarchow for \$1,019.69 due to a missed Ag Exemption; and RP B00940000180 A owned by Chad Rogers for \$1,035.36 due to a missed Homeowners Exemption. Motion seconded by Commissioner Wilcox and carried unanimously.

● **MOTION.** Commissioner Riegel moved to approve the following 4th quarter 2016 tax cancellations: RP B0086004005B A owned by Teton Science School for \$1,202.02 due to a missed Non-Profit Exemption; and OC 009240000010 A owned by Daniel Bender for \$543.75 due to a missed Homeowners Exemption. Motion seconded by Commissioner Wilcox and carried unanimously.

At 12:25 pm Chairman Ricks recessed the meeting until 1:00 pm. He called the meeting back to order at 1:02 pm.

SOLID WASTE FEE

Risk Manager Holly Wolgamott said she had been asked to contact ICRMP and IAC to obtain the names of recommended attorneys. Her attempts to contact Dan Chadwick were unsuccessful, but she did speak with Carl Ericksson at ICRMP. Mr. Ericksson said he would not recommend any ICRMP-contracted attorneys because they were not experts in this type of litigation. He told Ms. Wolgamott that the County had already contracted with the only attorney he would recommend, Chris Meyer.

Commissioner Riegel said the former Board hired Mr. Meyer because he was available and would be a great negotiator on behalf of the County. She said Mr. Meyer was available and willing to speak with the Board today in Executive Session. She said the County had an upcoming January 31 hearing in District Court and that Mr. Meyer and Moulton Law Office had previously been negotiating a stipulated agreement in lieu of that hearing, which had originally been scheduled for January 17. Commissioner Riegel said the stipulation would give the Treasurer and community a clear understanding of what would take place while the County's appeal was being processed.

● **MOTION.** Commissioner Riegel moved to amend the agenda to add an Executive Session pursuant to IC 74-206(1)(a) so the Board could discuss hiring Chris Meyer as the County's attorney for the good faith reason that the attorney situation must be solved quickly due to the upcoming January 31 hearing in District Court. Motion seconded by Commissioner Wilcox and carried unanimously.

● **MOTION.** At 1:34 pm Commissioner Riegel moved for an Executive Session pursuant to IC 74-206(1)(a) to interview attorney Chris Meyer to become outside counsel in the solid waste fee lawsuit. Motion seconded by Commissioner Wilcox and a roll call vote showed all in favor. The Executive Session ended at 2:48 pm.

Commissioner Wilcox said there had been a good discussion, but that he and Commissioner Riegel had agreed to also interview other attorneys.

ADMINISTRATIVE

● **MOTION.** Commissioner Riegel moved to approve Certificates of Residency for Omar Martinez Carrillo and Aileen Noelle Vazquez for the spring of 2017. Motion seconded by Chairman Ricks and carried unanimously.

SIGN ORDINANCE. Commissioner Wilcox said he wanted the Board to know that the Planning & Zoning Commission had adopted an updated Sign Ordinance on December 16, but that the Board had not yet adopted the same ordinance. That ordinance references zoning areas proposed in the new code so is not useable. Commissioner Wilcox suggested that the Board ask the Prosecutor to review the current sign ordinance, adopted in 2013, to determine whether it violates the law and to recommend any desired changes to be discussed under Administrative Business at the next meeting.

APPRAISAL CONTRACT. Assessor Beard said the Prosecutor had reviewed the proposed contract and approved it with changes that have been incorporated into the final document.

● **MOTION.** Commissioner Riegel moved to approve the Teton County Revaluation Program Agreement for Appraisal Services with Idaho Appraisal Services. Motion seconded by Commissioner Wilcox and carried unanimously. (Attachment #6)

EXECUTIVE ASSISTANT REPORT. The Board discussed Ms. Wolgamott’s bi-monthly report and whether it was necessary for property owners with less than 5 acres to re-apply for the Agricultural Exemption each year (Attachment #7). Assessor Beard said every ag-exempt parcel is checked every year. The Board decided there should be a short form for annual renewals, which will be created by Ms. Wolgamott.

CLAIMS

● **MOTION.** Commissioner Riegel made a motion to approve the following claims:

General	\$72,178.45
Road & Bridge.....	80,623.81
Court & Probation	2,509.75
Court-Bonds	9,700.00
Elections-State Funds	588.38
Indigent.....	897.82
Revaluation.....	10,095.00
Solid Waste.....	70,086.78
Weeds	36.56
E911	2,357.50
Ambulance.....	80,000.00
Mosquito.....	30,943.33
Fairgrounds & Fair	158.79
Grants	36,323.20
TOTAL	\$396,499.37

Motion seconded by Chairman Ricks and carried unanimously.

At 4:05 pm Chairman Ricks recessed the meeting until 8:30 am on Thursday, January 26 so the Board could complete the agenda items.

Board of County Commissioners: *January 26, 2017 Continuation Meeting*

Commissioners’ Meeting Room, 150 Courthouse Drive, Driggs, Idaho

COMMISSIONERS PRESENT: Mark Ricks, Cindy Riegel, Harley Wilcox

OTHER ELECTED OFFICIALS PRESENT: Clerk Mary Lou Hansen

Chairman Ricks reconvened the meeting at 8:30 am.

APPROVAL OF MINUTES. Earlier in the meeting, on January 23, Commissioner Wilcox distributed a heavily red-lined, “motion-only” version of the draft minutes from the January 9 and 13 meetings. He said minimal minutes

had been recommended by officials of the Idaho Association of Counties (IAC) and the Idaho Counties Risk Management Program (ICRMP) during the newly-elected official training last November.

Clerk Hansen spoke about the importance of written minutes as the County's historical record and for governmental transparency. She distributed a packet of information about the Edgewood Estates public access, which had been mentioned during the January 23 Open Mic, as an example of the type of information easily retrievable by searching the minutes. Such information would not exist without the current minute standards, or with audio recordings. Clerk Hansen distributed copies of minutes from Fremont, Madison and Jefferson counties to illustrate the fact that relatively detailed minutes are the norm. She did not attend the November training and did not know what Jim McNall of ICRMP said about minutes at that time. However, Clerk Hansen and Mr. McNall collaborated on a presentation about Commissioner Minutes for the 2016 annual meeting of elected clerks. She distributed copies of that presentation, which included information about recommended content.

Finally, Clerk Hansen said the minutes from the Board's January 9 meeting had been very difficult to write due to the length of the meeting and complexity of discussion. If the draft document contained errors, she said those errors should be corrected.

Commissioner Riegel said she had specifically requested that certain information and documents be included in the record. However, Commissioner Wilcox's red-lined version eliminated all of that information.

● **MOTION.** Commissioner Riegel moved to table approval of minutes for the January 9, 13 and 18 meetings. Motion seconded by Commissioner Wilcox and carried unanimously.

COMMITTEE REPORTS. Commissioner Wilcox attended the January 17 meeting of 5C Juvenile Detention, only to learn that the meeting had been re-scheduled, but was able to tour the facility. He attended the January 18 meeting of Tri County Misdemeanor Probation and learned that the number of probationers is down, with 65 on the Teton County caseload. He also attended a meeting of the Teton Regional Economic Coalition.

Commissioner Riegel attended a meeting of the Teton Water Users Association. Representatives would like to meet with the Board on February 13 to discuss their activities and plans.

INTERIM CONTRACT PLANNER. The Board would like Joshua Chase to begin work as soon as his contract can be finalized. Planning & Zoning Chairman Cleve Booker said PZC work sessions have typically been recorded, with no written minutes. However, the Commission requests that written minutes be provided for future work sessions in order to facilitate their work. The PZC looks forward to the assistance of an interim planner and expects to spend several more months working on the draft code. Mr. Booker said Chris Larson was elected vice-chair of the Commission, replacing Bruce Arnold, who has resigned.

DOG ORDINANCE. Commissioner Wilcox said he has discussed the recent update with Sheriff Tony Liford, who suggested that the ordinance take effect July 1 so that folks without containment areas have time to prepare. Commissioner Wilcox would like the Prosecutor to be sure the revised ordinance correctly references state statute regarding stock dogs.

FEE SCHEDULE. Commissioner Wilcox said he is concerned that the new re-roofing permit creates unnecessary liability for the County and has asked the Prosecutor to provide a memo about County liability.

PLANNING & ZONING COMMISSION VACANCIES. Mr. Booker said the resignations of Bruce Arnold and Dave Hensel have left the Commission with 7 members. As requested by the Board, the PZC Commission has discussed their preferences regarding those two vacancies. The PZC thinks it would be best to keep the board at 7 members rather than bringing in two new members at this point in the draft code process.

Commissioner Riegel said the PZC was increased from 7 to 9 by the Board that included Commissioners Sid Kunz, Kelly Park and Kathy Rinaldi. That Board thought the 9-member Commission would provide more balanced representation during the code revision process. When terms expired last September 30, every current member

wanted to continue serving until the draft code was finalized. Therefore, the Board decided to re-appointed every member with expiring terms, even though they believed a 7-member PZC would be best in the long term.

LEGAL COUNSEL FOR SOLID WASTE FEE LAWSUIT. Commissioner Riegel said she had contacted one attorney who was available for an interview January 27. Commissioner Wilcox has contacted several attorneys but has no interviews scheduled.

● **MOTION.** At 10:47 am, Commissioner Riegel moved to recess the meeting until 1:30 pm on Friday, January 27. Motion seconded by Commissioner Wilcox and carried unanimously.

Board of County Commissioners: January 27, 2017 Continuation Meeting

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

COMMISSIONERS PRESENT: Cindy Riegel, Harley Wilcox

Commissioner Wilcox called the meeting back to order at 1:30 pm.

EXECUTIVE SESSION

● **MOTION.** At 1:30 pm, Commissioner Riegel made a motion for Executive Session to discuss personnel matters pursuant to IC 74-206(1) (a). Motion seconded by Commissioner Wilcox and a roll call vote showed all in favor. The Executive Session ended at 3:13 pm.

INTERIM PLANNER. The Executive Assistant reviewed four items needing attention in the planning department and it was agreed that the contract planner could take care of those items. The Board reviewed the independent contractor agreement as presented by the prosecuting attorney.

● **MOTION.** Commissioner Riegel made a motion to approve the independent contractor agreement with Joshua Chase as presented by the Prosecuting Attorney. Motion seconded by Commissioner Wilcox and carried.

● **MOTION.** Commissioner Riegel made a motion to adjourn at 3:39 pm, seconded by Wilcox and carried.

Mark R. Ricks, Chairman

ATTEST: _____
County Clerk or Deputy

Attachments: #1 Public Works update
#2 Juvenile Probation quarterly report
#3 Annual Juvenile Justice Report
#4 Eclipse 2017 breakdown of needs for 30,000
#5 Treasurer's fourth quarter 2016 tax cancellation report
#6 County Revaluation Program Agreement for Appraisal Services
#7 Executive Assistant update
#8 Interim Planner contract

Teton County Idaho Commissioners' Town Hall Meeting Minutes
Monday January 23, 2017 6:00 pm
150 Courthouse Drive, Driggs, ID – 1st Floor Meeting Room

COMMISSIONERS PRESENT: Mark Ricks, Cindy Riegel, Harley Wilcox

Chairman Ricks called the meeting to order at 6:10 pm.

Public Works Director Darryl Johnson made a presentation detailing the Cedron Road Improvement Project (attachment #1). Facilities Manager Jay Millin, Street Superintendent Clay Smith and Horrocks Engineer Kelly Hoopes were present as well.

PUBLIC COMMENT

Chairman Ricks opened the meeting to public comment at 6:50 pm.

Ryan Kearsley, resident on 8000 South, asked if any consideration has been made for the trees, willows, and shrubs that have grown up in the gutters on both sides of Trail Creek. He asked if those plants be taken care of in the project. Mr. Johnson and Mr. Hoopes indicated that they are obligated to protect wetlands and they are doing everything possible to make sure they are meeting all preservation requirements.

Kent Bagley, resident 8000 south, addressed the Board about the original scope of work. He said that he was first told the County had enough money to complete the shoulder and the chip seal with grant funding. Now, he has been told that the grant will only cover the shoulder widening and the County will fund chip seal costs through general Road & Bridge funds. He stated that his biggest concern is snow removal and how it may damage fencing along the road.

Mr. Bagley also felt that this project is actually to install a bike path, not an effort to repair the shoulder, and he was concerned that they will be losing a foot of driving space on each side of the road as a result of shoulder striping for an 11-foot travel lane.

Mr. Bagley stated that the premise for this project was safety but a bike path will actually create a more dangerous road with bikers darting out in front of traffic. Mr. Bagley concluded his comments noting that there are always hidden costs with grants and questioned who will maintain the extra feet of roadway.

Todd Dustin, resident Cedron Road, asked about the ranking of the roads and where Cedron road falls on that list. He felt that this project is creating a bike path, not a shoulder. He also explained that his lawn goes to the edge of the road, and that he has a 10-inch water main line there. He wondering what will happen to that water main. He also asked about how the project will affect driveways. Mr. Dustin felt that the money it will cost the County will not be worth it for what they are getting out of the project. He concluded by saying that there are more important roads in the county that need attention rather than Cedron Road.

County staff responded by stating the project will not go outside of the existing 60-foot right of way. There should not be nor is the County aware of any conflict with irrigation water main lines. Driveways will be graded to accommodate the proposed improvements.

Keith Kunz, stated that he appreciates that there will be improvements however he was concerned about encouraging more use. He stated that parking had already become an issue at Grove Creek because of its new popularity. Currently, he stated that there are a lot of horse trailers and cars parked there illegally and he worried that this project would only make it worse.

Tim Adams, Executive Director for Teton Valley Trails and Pathways, stated that he puts out notices to the biking community and that he will express his displeasure about them parking illegally. He stated that he wants to provide safe opportunities for bikers and pedestrians. He also commented that everyone has to share the road

together. As a cyclist, they have to be aware of their surroundings and motorists do as well. Mr. Adams concluded that he is in favor of the project moving forward but would do whatever he could to get needed messages to the biking community.

Tim Waters, Cedron Road resident, stated that if the road is narrowed it may encourage people to reduce their speeds which is needed in the area. He said regardless if it is a bike path or improving the shoulder, they need good roads and any time they can receive funds for them they should take advantage of it.

Larry Kunz asked what they would do with the section of road as it gets down to Bates, which is gravel and there is not a base on the road to finish the bike path. He wondered what that will cost the tax payer.

Bruce Bagley, 8000 South resident, asked why they are not taking the project all the way to the Victor parking lot. Mr. Johnson replied that it is not their jurisdiction. Mr. Bagley felt that the project would create another bottleneck as it enters Victor that will cause another accident. Mr. Bagley also explained that the bridge on Trail Creek was flooding in the 1960s due to frost in the culverts. He questioned the structural integrity of the bridge and felt that this could be an issue in the future making the road hazardous for bikers.

Steven Bagley, President of the County Farm Bureau, stated that he is not against improvements for safety but that they need to remember that this is still an agriculture area. He provided a definition of a farm to market road and felt that Cedron Road meets that definition. He explained that there will be cows transported and heavy machinery on the road and his wish is to keep Teton County an agricultural community.

Mr. Johnson briefly addressed public comments. He stated that they are limited in what they can do within the safety program providing funding for this project. Funding is tied to a fatality that happened in that section of road and is intended to increase safety in the area. Mr. Johnson concluded that the funding does not cover other sections of the road corridor but that they will continue to seek additional funding sources for other sections.

Chairman Ricks closed public comments at 7:35 pm and opened up the meeting for the public to individually discuss concerns with Darryl Johnson, Clay Smith, Jay Millin, and Kelly Hoopes.

MOTION. At 8:15 pm Commissioner Riegel made a motion to adjourn. Motion seconded by Commissioner Wilcox and carried.

ATTEST

Mark Ricks, Commissioner

Holly Wolgamott, Clerk

Attachments: #1 Cedron Road Shoulder Presentation