

RESOLUTION NO. 07-03

RESOLUTION DECLARING A PUBLIC HEALTH AND WELFARE DISASTER OR EMERGENCY AND CREATING A CARIBOU COUNTY-WIDE INTERIM ABATEMENT DISTRICT, AND RESERVING THE RIGHT TO DIRECT APPROPRIATIONS FROM COUNTY FUNDS FOR THE PURPOSE OF CONTROLLING MOSQUITOES CARRYING THE WEST NILE VIRUS

Upon the motion of Commissioner Earl Somsen and a second by Commissioner Doug Hogan, the Board of County Commissioners (hereafter "Board") resolves as follows:

WHEREAS, Idaho Code § 31-801 grants general powers and duties, subject to the restrictions of law, to the boards of county commissioners in their respective counties; and

WHEREAS, Idaho Code § 31-828 grants the board of county commissioners the authority "to do and perform all other acts... which may be necessary to the full discharge of the duties of the chief executive authority of the county government..."; and

WHEREAS, Idaho Code § 46-1011 allows the chairman of the county commissioners to declare a local disaster emergency and that the declaration shall be filed with the local county recorder and "given prompt and general publicity..."; and

WHEREAS, Idaho Code § 46-1011 allows the extension of a declaration of a local disaster emergency beyond seven days with the consent of the governing board; and

WHEREAS, Idaho Code § 46-1002(3) provides in part, that a "disaster" includes "the imminent threat of widespread or severe damage or loss of property resulting from any natural or man-made cause"; and

WHEREAS, according to Idaho Code § 46-1002(3), the "imminent threat of widespread...[illness] or loss of life in Caribou County as a result of a West Nile Virus infestation constitutes a disaster"; and

WHEREAS, Idaho Code § 46-1002(4) provides that an "emergency" includes the "imminent threat of a disaster or condition threatening life or property..."; and

WHEREAS, Idaho Code § 39-2812(1) provides that "...the board of county commissioners of each county of this state, in collaboration with duly recognized local and state officials, and after a public hearing is called for such purpose... is hereby granted full power and authority to declare such pests as public health and welfare pests, and to initiate activities to hinder in the potential spread of disease, or

adverse economic impact, caused by these pests by taking appropriate steps to intervene in the natural biological cycle of the pests or disease”; and

WHEREAS, Idaho Code § 39-2812(2) provides that “[b]oards of county commissioners are further authorized and empowered, in the event of a disaster or emergency declared by such boards, to make direct appropriations for the purpose of controlling public health and welfare pests as declared...”; and

WHEREAS, Idaho Code § 39-2812(3) provides that “[t]he disaster or emergency declaration of a pest of public health and welfare significance within a county and subsequent pest management activity shall, except as provided herein, place the whole county into an interim abatement district for administrative purposes for no more than two (2) years...”; and

WHEREAS, Caribou County’s confirmed 2006 West Nile Virus cases and the confirmed 2006 West Nile Virus cases in bordering counties exceeded acceptable limits establishing an emergency in Caribou County; and

WHEREAS, on June 25, 2007, the Board conducted a meeting on the risk to the public health and welfare of an anticipated population of mosquitoes carrying West Nile virus in Caribou County in the County Commissioners’ meeting room attended were the following: Dennis Godfrey, Lloyd Rasmussen, Earl Somsen and Doug Hogan.

WHEREAS, at the aforesaid June 25, 2007, meeting, it was the unanimous consensus of attending governmental officials that a pro-active approach was necessary to control mosquitoes and integrated pest management is mandated, including the controlling of mosquitoes carrying West Nile virus; and

WHEREAS, at the aforesaid June 25, 2007, meeting, the achieved unanimous consensus constituted collaboration with duly recognized local and state officials concluding that the anticipated mosquito population carrying West Nile virus is a risk to the public health and welfare of the citizens of Caribou County; and

WHEREAS, on June 25, 2007, the Board conducted a public hearing on whether to create a county-wide Interim Abatement District; and

WHEREAS, the comments and information received at the herein public hearing convincingly demonstrated that under current conditions, anticipated mosquito populations demonstrate disaster is imminent and threaten widespread illness and potential loss of life of persons in Caribou County; and


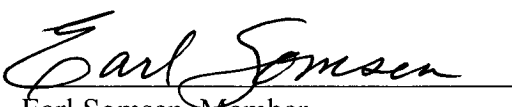

NOW THEREFORE, THE BOARD HEREBY RESOLVES, The Board finds good cause and deems it appropriate to order and declare that a local West Nile virus disaster emergency exists in Caribou County and hereby consents to said declaration and orders and ratifies the same; and

IT IS FURTHER RESOLVED BY THE BOARD that in accordance with Idaho Code § 39-2812(3) and said declaration of emergency, the Board establishes a county-wide Interim Abatement District, for a period of not more than two (2) years; and

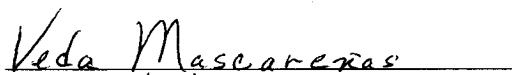
IT IS FURTHER RESOLVED BY THE BOARD that the Board reserves the authority to direct appropriation of County funds, when necessary, for the control of mosquitoes carrying the West Nile virus and said funds to be placed in County Public Health and Welfare Pest Fund; and

IT IS FURTHER RESOLVED BY THE BOARD that this resolution shall be effective this 25th day of June, 2007.

Motion Carried Unanimously
 Motion Carried/Split Vote Below
 Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Lloyd Rasmussen, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Earl Somsen, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Doug Hogan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Veda Mascarenas


Deputy Clerk:
Date: 7-9-07