

BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

RESOLUTION NO. 2008-2

BY THE BOARD OF COMMISSIONERS OF THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10, RECOMMENDING CREATION OF A TASK FORCE TO STUDY THE TAX LEVY AND BUDGET LAWS OF THE STATE OF IDAHO THAT PERTAIN TO THE BOISE FLOOD CONTROL DISTRICT NO. 10 FOR THE PURPOSE OF INFORMING THE BOARD OF SAID REQUIREMENTS; AUTHORIZING THE PROJECT MANAGER AND THE DISTRICT ENGINEER TO TAKE APPROPRIATE ACTION TO FORM THIS TASK FORCE AND ACT AS MEMBERS OF THE TASK FORCE; AUTHORIZING THE CHAIRMAN TO SELECT AND APPOINT OTHER MEMBERS OF THE TASK FORCE; AUTHORIZING THE MEMBERS OF THE TASK FORCE TO REVIEW AND PREPARE A REPORT ON THE ANNUAL EXPEDITURES OF THE BOISE FLOOD CONTROL DISTRICT; AUTHORIZING THE TASK FORCE TO ANALYZE BOISE FLOOD CONTROL DISTRICT NO. 10'S NEED FOR AN EMERGENCY AND/OR CAPITAL IMPROVEMENT FUND; AUTHORIZING THE MEMBERS OF THE TASK FORCE TO ENGAGE A CONSULTANT AND SEEK LEGAL ADVICE FOR THESE PURPOSES; AND PROVIDING AN EFFECTIVE DATE;

THIS RESOLUTION, made on the date hereinafter set forth by the Boise River Flood Control District No. 10, authorized under the authority of the Flood Control District Act (the "Act"), as amended, Chapter 31, Title 42, Idaho Code, a duly created and functioning flood control district, hereinafter referred to as "FCD#10."

WHEREAS under the Act, FCD#10 has the authority to purchase certain services and materials, engage certain professional services and construct certain improvements;

WHEREAS, under the Act, FCD#10 is required to comply with certain other statutory provisions in the acquisition of such services, materials, professional services and the construction of certain improvements;

WHEREAS, FCD#10 is required by Idaho Law to file a copy of its annual budget with the county commissioners for both Ada and Canyon County each year;

WHEREAS, the county commissioner's office for both Ada and Canyon County have notified FCD#10 that its annual budgets filed prior to September 2008 may have contained errors;

WHEREAS, FCD#10 desires to avoid filing budgets in subsequent years that contain similar errors, or to determine whether or not FCD#10's prior budgets did in fact contain errors according to Idaho Law;

WHEREAS, FCD#10 finds it in the best interests of FCD#10 and the public to determine whether or not the annual budgets as prepared by FCD#10 are consistent with Idaho Law;

WHEREAS, FCD#10 finds it in the best interests of FCD#10 to engage the services of a consultant knowledgeable with the tax laws and regulations in the state of Idaho to assist in analyzing the annual budgets prepared by FCD#10 and communicating with the respective tax collecting and monitoring agencies;

WHEREAS, FCD#10 finds it in the best interest of FCD#10 to authorize the District Engineer and the Project Manager to form a task force to prepare a document containing the findings of the consultant and the task force;

WHEREAS, FCD#10 finds it in the best interests of FCD#10 to analyze the need for FCD#10 to carry a fund balance for anticipated emergency or capital expenditures whether such fund balance is allowable under Idaho law and authorizes the District Engineer and Project Manager to direct the task force to analyze such need.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOISE FLOOD CONTROL DISTRICT NO. 10:

Section 1. That the Board hereby authorizes the District Engineer and Project Manager to form and be members of a task force. The task force will also consist of one member of the Board appointed by the Chairman. The task force is authorized to engage the services of a tax consultant to assist the task force in making final recommendations to the Board. The task force is authorized to engage the services of the consultant up to a maximum compensation of five thousand dollars (\$5000.00) without additional approval from the Board. The Task force is authorized to request legal advice from Elam & Burke up to a maximum amount of five thousand dollars (\$5000.00) without additional authorization from the Board. Neither the consultant nor the legal counsel will be members of the task force. The findings of the task force shall not be binding on the Board, but shall be for informational purposes only.

Section 2. The FCD#10 District Engineer and/or Project Manager are hereby delegated and vested with authority to enter into a contract for consulting services with the tax consultant they select.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Boise Flood Control District No. 10, on August 27, 2008. Signed by the Chairman of the Board of Commissioners and attested by the Secretary to the Board of Commissioners on August 27, 2008.

APPROVED:

By Walter C. Clark
Chairman

ATTEST:

By Sheila Seeman
Secretary