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1000 ADA COUNTY HIGHWAY DISTRICT

1001 GENERAL OVERVIEW

The District was established by referendum on May 25, 1971. It is a separate unit of local government that consolidated the street and road functions of Ada County and the cities within the county. The District's fiscal year begins on October 1.

The District is responsible for the construction and maintenance of all streets and roads in Ada County, except those designated as state or federal highways. The District provides planning, design, construction, reconstruction, maintenance, and traffic supervision for all urban streets, rural roadways, and bridges under its jurisdiction.

1002 LEGISLATIVE AUTHORITY

The Ada County Highway District (referred to as the District in this manual) is the governing agency responsible for construction and maintenance of all public rights-of-way in Ada County. The District's legal authority is based upon the laws of the State of Idaho. Specific authority is found in Chapters 13 and 14 of Title 40 of the Idaho Code.

The law gives the Board of Commissioners of the District the authority to pass ordinances and rules and make regulations as necessary to discharge all powers and duties conferred on a county-wide highway district under Chapters 13 and 14 of Title 40 of the Idaho Code. (Reference Idaho Code, Section 40-1406.) Pursuant to these ordinances, rules and regulations, the Commissioners delegate their powers and duties to the President of the Commission, the Director and other District staff in accordance with law. Powers and duties separate from those of the Commissioners are also conferred on the District Director. (Reference Idaho Code, Sections 40-1319 and 1320.)

Notwithstanding any provision in this ACHD Policy Manual, the Commission specifically reserves the authority to grant a waiver, modification or variance to any adopted policy provision on a case-by-case basis during any regular or special meeting of the Commission, which shall be authorized by no less than a simple majority of the Commission. The waiver, modification or variance must be adopted in accordance with ACHD policy and/or supported by written findings of fact and conclusions of law. This reservation relates to any third-party request or for any ACHD project.

1003 ORGANIZATION

1003.1 Divisions and Departments

The District is organized into Offices, Divisions and Departments. There are three Offices: The Office of the Director, The Office of the Chief-of- Staff and the Office of the General Counsel. There are three divisions: Development & Technical Services, Maintenance, and Planning & Projects. The Maintenance Division is the largest division and includes all the maintenance functions of the District. The Development & Technical Services Division includes all the engineering, environmental, development, and traffic services functions of the District. Planning & Projects Division handles the planning and programming processes of capital projects and the execution of the annual capital projects

budget including design, right-of-way acquisition and construction. The District has two departments. The Human Resources Department and Communications Department are separate from the Divisions based on their unique functions and report to the Director and Office of the Chief-of-Staff.

1003.2 Board of Commissioners

The District is governed by a five-member Commission. Each Commissioner is elected to office from a different subdistrict of Ada County of which the Commissioner is a resident. The subdistricts are established by the Ada County Commissioners by the subdivision of Ada County into five (5) districts as nearly equal in population as is practicable. The terms of the office of the Commissioners are staggered, based on a rotation schedule set by law. Each Commissioner is elected for a term of four (4) years. (Reference Idaho Code, Section 40-1404A.)

The authority and responsibilities of the Commissioners are specified in Title 40 of the Idaho Code. They have exclusive general supervision over all of the public rights-of-way under District jurisdiction. They have full power to construct, maintain, repair and improve such roads, streets, bridges and public rights-of-way. The law gives the Commissioners the authority to manage and conduct the business affairs of the District; delegate its authorities to the President of the Commission, the Director and other District Staff, make and execute all necessary contracts; employ such agents, officers, attorneys and employees as required; prescribe employee duties; and fix employee compensation and benefits. (Reference Idaho Code, Section 40-1310.)

The Board of Commissioners meets in a formal session once each week throughout the year. The District operates on a fiscal year basis, beginning on October 1.

1003.3 Office of the Director

The Director, the chief administrator of the District, is appointed and employed by the Commission. The Director oversees the day-to-day operations of the District and works with the Board of Commissioners to set policy and long-range direction. The Director has an Executive Team that includes Chief-of-Staff, General Counsel, Deputy Directors, Senior Managers who manage their respective Departments and sections. The Director is responsible for:

1. Administration of all District operations, including the construction, reconstruction and maintenance and repair work within the District's jurisdiction;
2. Development, interpretation, implementation and enforcement of Commission policy;
3. Planning and supervising budget preparation;
4. Meeting and advising public and private agencies, the legislature, the media and individuals about District matters;

5. Interagency coordination;
6. Keeping the public informed of District activities, programs, polices and Commission agendas;
7. Administration and Management of all non-elected employees including the District's total compensation plan according to the policies and guidelines established by the Commissioners; and
8. Carrying out any duties delegated to the Director by the Commissioners in accordance with applicable law.

1003.4 Office of the Chief-of-Staff

The Chief-of-Staff is responsible for the day-to-day operations of the Highway District. The Chief-of-Staff oversees Finance/Accounting, Budget, Information Technology, Contracts Administration, and Commuteride. This Office includes the following Sections

1003.4.1 Finance/Accounting/Budget Section

The Finance/Accounting/Budget Section is responsible for planning, reporting, and controlling the District's financial affairs. The Treasurer ensures that generally-accepted accounting principles and government accounting standards (GASB) are utilized in all phases of the accounting process. Administration of the District's financial affairs includes cash flow control; investment of excess funds until needed for operations; and preparation of cost accounting data to provide timely and accurate reports regarding expenditures. They ensure that an annual budget is established and conforms to Idaho Code.

1003.4.2 Contract Administration Section

Contract Administration Section is responsible for managing and administering contracts for the District. They ensure compliance with the Idaho Code through advertisement, contractual obligations and statutory requirements.

1003.4.3 Information Technology (IT) Section

The Information Technology (IT) Section is comprised of two subsections, Information Systems and Geographic Information Services (GIS). Information System is responsible for the overall maintenance and operation of the District's computer, network and telephone systems. Information System's is also responsible for the purchase and maintenance of computer equipment, software, telephones and networking peripherals and for maintaining the files of the District to comply with records retention laws, database management and network administration. The GIS Subsection is responsible for providing customers with a county-wide Geographical Information System. GIS is responsible for updating and validating vast amounts of geographical data, producing the District's Official Map, providing users with a web-based application, maintaining the Road-Work-in-the-Area report, and other tasks related to spatial analysis.

1003.4.4 Commuteride Section

The Commuteride Section works with area businesses and commuters to reduce traffic congestion and improve air quality by promoting alternatives to driving alone like riding the Bus, vanpooling, carpooling, bicycling, and walking. Commuteride has served the Treasure Valley since 1975 and has operated a vanpool program since 1976. They work closely with the Regional Public Transportation Authority and other transportation providers to efficiently market services and transport people.

1003.5 Office of the General Counsel

The Office of the General Counsel is responsible for the operation of the Legal Department, which represents the District's interest in all legal matters, administers the risk management program, and prosecutes violations of the District's policies. The Department handles claims against the District, represents and sometimes defends the District in actions, administers lobbying efforts, and assists the District in all legal matters. The Legal Department reviews and drafts ordinances, contracts and other documents. They also process condemnation orders on right-of-way acquisitions in order to gain entry for roadway construction.

1003.6 Maintenance Division is comprised of three sections: Administration, Adams, and Cloverdale. The Deputy Director implements and coordinates the District's maintenance programs. The sections are responsible for all facets of roadway, bridge, equipment, and facilities.

1003.6.1 Maintenance Administration Section

The Administrative section is led by the Deputy Director who oversees all operations of the Division and is in charge of long-term planning for future operational needs. The Manager leads the Adams Section, Cloverdale Section and the Safe Sidewalk Section. The Safe Sidewalk section is led by the manager with a coordinator who is responsible for the District's safe sidewalk program. Facilities Management maintains District buildings and grounds, and property owned by the Highway District. Fleet Management is responsible for all the acquisition, maintenance, and disposal of ACHD's vehicle fleet. The District's fleet predominately consists of pickups, dump trucks, vacuum trucks, aerial bucket trucks, sweepers, loaders, stripers, graders, backhoes, rollers, and tank oil sprayers. The two shops located at the Adams and Cloverdale sites are responsible for maintenance, repair, and modification of District equipment.

1003.6.2 Adams Section

The Adams section is located in Garden City and crews within this section are responsible for the District's roadway maintenance east of Cole Road. This includes pothole patching, pavement repairs, crack sealing, chip sealing, anti-icing, snow removal, sanding, guardrail repair, concrete repairs, grading of gravel roads, and miscellaneous storm drain and irrigation repairs. This section is responsible for sweeping throughout the entire county.

1003.6.3 Cloverdale Section

The Cloverdale section is located on North Cloverdale Road and crews within this section are responsible for the District's roadway maintenance west of Cole Road. This includes pothole patching, pavement repairs, crack sealing, chip sealing, anti-icing, snow removal, sanding, guardrail repair, concrete repairs, grading of gravel roads, and miscellaneous storm drain and irrigation repairs. This section is responsible for cleaning storm drains, vegetation management and bridge maintenance through the entire county.

1003.7 Development & Technical Services Division

The Development & Technical Services Division is responsible for providing technical support and expertise for the District, especially related to engineering design, surveying, stormwater management, construction inspection, traffic design and operations, and development services and development review. This division is made up of four departments: Engineering, Environmental, Traffic Services, and Development Services.

1003.7.1 Engineering Department

The Engineering Department is responsible for the administration, implementation and coordination of the District's engineering, design, and construction programs. This department provides engineering services essential to support internal and external maintenance and construction operations, including survey, design, construction, drainage, and quality assurance for new and existing roadway improvements. The Engineering Department is comprised of two Sections: Design and Construction.

1003.7.1.1 Design Section

Design is responsible for in-house design and survey for a variety of projects and programs. They assist other Divisions in offering technical support and expertise related to consultant design review, bridge repairs/rehabilitation/replacement, pavement overlays, community program projects, drainage and stormwater issues and other special projects as required.

1003.7.1.2 Construction Section

Construction provides quality assurance support for internal and external construction operations, and inspection and testing of existing and new improvements associated with the countywide highway system. These efforts ensure compliance with minimum specification requirements and District Policy in the effort to reduce public liability, environmental impacts, and the potential acceleration of maintenance on the highway system. Survey support is completed through the construction inspection. Survey work is performed on all ACHD projects.

1003.7.2 Environmental Department

The Environmental Department is responsible for administration, implementation and coordination of the District's environmental programs. The

Environmental Department provides technical support and guidance relating to environmental rules and regulations that pertain to District activities and facilities.

1003.7.2.1 Stormwater Quality Section

Stormwater Quality helps the District meet federal Clean Water Act requirements through implementation and oversight of the District's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permits.

1003.7.2.2 Environmental Section

Environmental coordinates and provides guidance on environmental compliance activities for District roadway projects and facilities.

1003.7.3 Traffic Services Department

The Traffic Services Department is responsible for planning, designing and providing efficient traffic flow and traffic safety in Ada County. The Traffic Services Department handles all the traffic-related issues throughout Ada County except those on the State Highway and Interstate systems, which are under the jurisdiction of the Idaho Transportation Department (ITD). By cooperative agreement with ITD, the department maintains and operates all traffic signals in Ada County along with traffic monitoring and communication related to the State Highway and Freeway systems. This department works closely with the various entities to facilitate, investigate, and implement needed and required changes that affect the safety and lives of the residents in Ada County. This department is comprised of three Sections: Traffic Operations, Traffic Engineering and Congestion Management.

1003.7.3.1 Traffic Operations Section

Traffic Operations' responsibilities include the construction and maintenance of traffic signals and other traffic control equipment. They install and maintain the computerized Central Traffic Control system, Intelligent Transportation System (ITS) devices, video cameras, data collection devices, variable message signs, and fiber optic communications network systems. Traffic Operations also maintains traffic signs, roadway striping, and pavement markings on Ada County public roadways. They also repair and maintain the District's radio communication systems.

1003.7.3.2 Traffic Engineering Section

Traffic Engineering is responsible for the collection of traffic data, safety investigations, neighborhood traffic calming, and related studies. This includes intersection and signal design, traffic counts, accident analyses, vehicle capacity studies, speed/delay studies, sight obstructions, construction traffic control, citizen use permits, and traffic calming. They work with local agencies to provide for the safe and efficient movement of motor vehicles and to meet the local and federal requirements within Ada County. In addition, they review, coordinate, and inform the public on all construction traffic

control and traffic detour planning for work done within the District's rights-of-way.

1003.7.3.3 Congestion Management Section

Congestion Management monitors, evaluates, and provides information on transportation system performance. They identify cost effective alternative strategies to alleviate congestion and enhance mobility of people and goods. They are responsible for traffic signal coordination in response to traffic growth, new/improved roadways, construction detours, special events, and seasonal changes. In addition, they oversee the planning, design, and use of existing and future ITS including such things as traffic monitoring with cameras, incident detection and management, traffic control system response to incidents, and providing information to the public via variable message signs and the Internet.

1003.7.4 Development Services Department

The Development Services Department is responsible for reviewing all development applications, street improvement plans and construction, and final plats to ensure conformance with the District's standards and policies. Development Services staff also administer the District's Development Impact Fee Program. The program is for planning and financing new ACHD system improvements (arterial roads and intersections) needed to serve new growth and development, including development of the ACHD 20-year Capital Improvement Plan, all of which are necessary to promote and accommodate orderly growth and development in Ada County.

1003.7.4.1 Planning Review Section

Planning Review is responsible for reviewing all development applications within the six cities and Ada County. They review and assess the potential impacts that the proposed developments will have on the transportation system, analyze and evaluate the preliminary development proposals for conformance to District policy and established safety standards.

1003.7.4.2 Development Review Section

- Development Review is responsible for reviewing the civil design plans and construction inspection for all new development requiring street improvements, as well as all subdivision final plats for conformance with District policies and standards. They also process all development related right-of-way acquisitions through the Corridor Preservation Program, coordinate cooperative development projects whereby developers construct certain improvements on behalf of ACHD, and issue the District's final acceptance of a development or plat once the required street improvements have been completed to District standards.
- Development Review includes the District's Subdivision

Inspection, Bridge Inspection and Zone Inspection groups. These groups issue right-of-way permits and perform inspections for all new public road improvements constructed through development, contracts and inspects small ACHD capital projects, regularly inspect all bridges under the District's jurisdiction for safety, condition, and compliance with national bridge standards, and inspects all work performed by utilities and private contractors within the District's right-of-way.

1003.8 Planning and Projects Division

The Planning & Projects Division focuses on short, medium and long-range transportation planning to provide a template to guide the future work of the District. Those plans are then converted into major projects and managed throughout all phases from concept design to construction.

1003.8.1 Planning & Programming Section

The Planning & Programming Section oversees corridor transportation studies, transportation modeling, comprehensive plans, investment planning via the Integrated Five-Year Work Plan, and the implementation of the Pedestrian Bicycle Transition Plan. This Section also pursues outside funding opportunities.

1003.8.2 Pavement Management Section is responsible for the pavement conditions and determining when it is practicable to perform maintenance on roadways.

1003.8.3 Capital Projects Section

The Capital Projects Section is responsible for the development and management of all District capital projects including scheduling, cost estimating, project controls, and administration. All phases of the projects are covered from concept development through final design, right-of-way acquisition and construction. Continuous process improvement is a critical component of the work. The section also coordinates utility in the public rights-of-way.

1003.8.4 Right-of-Way Section

The Right-of-Way section is responsible for all right-of-way acquisitions and easements required for new road construction, reconstruction, and public highway use. ACHD purchases the land necessary for the District projects from the adjoining property owners to expand a roadway. In addition, they manage the land appraisals and negotiations with the property owners to complete the required land purchases. Right-of-Way is responsible for processing applications for vacation or abandonment of rights-of-way, right-of-way exchanges, lease agreements, and license agreements to allow other parties to place certain items within the public right-of-way. This section also administers the District's Memorial Policy.

1003.9 Human Resources Department

The Human Resource Department is responsible for human resource programs for the District. The Department plans, develops, and manages programs such

as recruitment and selection, job classification, benefits, administration, classification, and compensation systems management, District-wide training and safety. The Department reports directly to the Chief-of-Staff.

1003.10 Communications Department

The Communications Department is responsible for the District's interactions with the public and transmitting information to and from the community about ACHD's operations and projects. Accordingly, the Department coordinates all media interactions. The Department reports directly to the ACHD Director, reflecting the importance the District places on communicating with the public about its activities. Communications has five areas: Business & Neighborhood Relations, Public Information, Public Involvement, Reception and the Web Site.

1004 BOARD OF COMMISSIONERS

The requirements for Commission approval of specific items of business are discussed in the individual sections of this manual. All Commission meetings are held in compliance with the Open Meeting Laws of the State of Idaho.

1004.1 ACHD Commission Meetings

1004.1.1 Regular Commission Meetings

Regular Commission meetings are held on the first, second and third Wednesday of each month, commencing at 12:00 noon; and, on the fourth Wednesday of each month, commencing at 6:00 p.m. Regular Commission meetings are not normally scheduled for the fifth Wednesday of the month. A meeting agenda must be posted at least forty-eight (48) hours before the meeting, but it may be supplemented after the start of the meeting, provided that a good faith effort is made to include in the meeting agenda notice of all items known at the time to be probable items of discussion. If a regular Commission Meeting is scheduled for the fifth Wednesday of the month, a meeting and agenda notice shall be posted at least five (5) days in advance. All regular meetings are held in the ACHD Auditorium, 3775 Adams Street, Garden City, Idaho.

1004.1.2 Pre-Commission Meetings

Pre-Commission meetings are scheduled to commence one-half (1/2) hour before the regular Commission meeting, unless the posted meeting and agenda notice establishes a different time. Pre-Commission meetings are held at 3775 Adams Street, Garden City, Idaho, usually in the Pre-Commission room, but, if the posted meeting notice so provides, pre-commission meetings may be held in the ACHD Auditorium.

1004.1.3 Work Sessions

Work sessions may be held from time to time, when scheduled by the Commission President after a meeting and agenda notice is posted by the Secretary at least five (5) days in advance. When a work session is scheduled, it generally commences one (1) hour before the regular daytime Pre-Commission meeting and 1 1/2 hours before the evening Pre-Commission

meeting, unless the posted meeting and agenda notice establishes a different time. Work sessions are held at 3775 Adams Street, Garden City, Idaho, usually in the Pre-Commission room, but, if the posted meetings notice so states, may be held in the ACHD Auditorium.

1004.1.4 Special Meetings

A special meeting of the Commission may be ordered by the presiding officer or by at least a majority of the Commission. The order must specify the business to be transacted, and no other business can be transacted at the special meeting. The meeting and agenda notice shall be posted, at least twenty-four (24) hours in advance of the meeting unless an emergency exists as defined in Idaho Code, Section 74-204 (2). After the meeting is called to order, the order for the call shall be entered into the minutes of the meeting. (Reference Idaho Code, Section 74-205.)

1004.1.5 Executive Sessions

An executive session of the Commission can be held during any Commission meeting on the vote of two-thirds (2/3) of the Commissioners, recorded on the minutes by individual vote, after the presiding officer has identified the statutory authorization for holding the session. (Reference Idaho Code, Section 74-206.) If a request for an executive session is known in advance of the meeting, it will be scheduled on the meeting and agenda notice. The executive session should be held in accordance with Idaho Code, Section 74-206.

1004.1.6 Except for Executive Sessions, Meetings Open to the Public; Public Testimony Limited

All regular Commission meetings, Pre-Commission meetings, special Commission meetings, and work sessions are open to the public. The public is invited, welcomed, and encouraged to attend. (Reference Idaho Code, Section 74-201.) Executive Sessions are not open to the public.

The public is invited to present oral and written testimony with respect to any item on the Agenda of a regular Commission meeting. Unless the President of the Commission so directs in the posted meeting and agenda notice, no public testimony will be allowed at a Pre-Commission meeting or a work session.

Action may be taken at a Pre-Commission meeting or a work session on a specific item only if posted on the agenda notice. No executive session may be held for the purpose of taking any final action or making any final decision. (Reference Idaho Code, Section 74-206(4).)

1004.1.7 Publication of Annual Meeting Notice; Posting of Notices of Meetings and Agendas

The Secretary of the District shall cause a notice of the date, time and place of the regular and Pre-Commission meetings of the Commission as set forth in this Section 1004.1 to be published in the Idaho Statesman in December of each year. (Reference Idaho Code, Section 74-204.)

A notice of the date, time and place of each Commission meeting and the agenda for each regular meeting, Pre-Commission meeting, and work session shall be

posted at least forty-eight (48) hours in advance of the meeting, but the agenda may be supplemented after the start of the meeting, provided that a good faith effort is made to include in the agenda notice of all items known at the time to be probable items of discussion. (Reference Idaho Code, Section 74-204(1).) Each supplement to the agenda should be posted as soon as prepared, up to one (1) hour before the meeting.

A notice of the date, time and place of each special Commission meeting shall be posted, at least twenty-four (24) hours in advance of the meeting unless an emergency exists as defined in Idaho Code, Section 74-204(1). In addition, the Secretary shall make a good faith effort to provide advance notification of a special meeting to those of the news media who have requested notification of Commission meetings. (Reference Idaho Code, Section 74-204(2).)

All posting of notices of meetings and agendas shall be in a prominent place in the main lobby before the entrance to the ACHD Auditorium by the ACHD Secretary. In addition, staff should attempt to post the notice on the ACHD Internet website in a timely manner.

1004.1.8 Conducting Meetings by Means of Telecommunications Devices
All meetings may be conducted using telecommunications devices which enable all members of the Board of Commissioners participating in the meeting to communicate with each other. Such devices may include, but are not limited to, telephone or video conferencing devices and similar communications equipment.

The participation by a member of the Board of Commissioners through telecommunications devices shall constitute presence in person by such member at the meeting; provided however, that at least one (1) member of the Board of Commissioners or the Director shall be physically present at the location designated in the meeting notice, as required under Idaho Code, Section 74-204, to ensure that the public may attend such meeting in person. The communications among members of the Board of Commissioners must be audible to the public attending the meeting in person and the members of the Board. (Reference Idaho Code, Section 74-203(5).)

1004.2 Election of Officers

1004.2.1 Election of President

At the first meeting of the Commission in January of each year, the Commissioners shall elect a chairperson from their number, who shall also serve as the Commission's President. (Reference Idaho Code, Section 40-1405(1).)

1004.2.2 Election of Vice President

One (1) or more Vice Presidents shall also be elected by the Commissioners from among their number at the same meeting immediately following the election of the President. (Reference Idaho Code, Section 40-1405(1).)

1004.2.3 Appointment of Secretary and Treasurer

A Secretary shall be appointed by the Commission at the same meeting as the election of the President and Vice President(s). The Secretary need not be a Commissioner and shall also assume the duties of Clerk of the District. (Reference Idaho Code, Section 40-1405(1).)

A Treasurer shall also be appointed at the same meeting as the election of the President and Vice President(s). The Treasurer need not be a Commissioner. (Reference Idaho Code, Section 40-1405(1).)

1004.2.4 Vacancies

If a vacancy occurs in any of the offices of President, Vice President or Secretary of the Commission, the members of the Commission at its next regular meeting shall, by election, fill such vacancy from its members for the unexpired term. If a vacancy occurs in the office of Secretary or Treasurer, at its next regular meeting, the members of the Commission shall appoint a successor for the unexpired term.

1004.3 Presiding Officer

The President shall preside at all meetings of the Commission. The President is recognized as the head of the District for all ceremonial purposes but has no regular administrative or executive duties or authorities, unless specifically delegated by the Commission. In the event of the President's absence or temporary disability, the Vice President shall act as President during such absence or temporary disability. The President or Vice President may be referred to as the "Presiding Officer" from time to time in these rules of procedure.

1004.4 Quorum and Required Vote

Three (3) Commissioners, present and eligible to vote, shall constitute a quorum for the transaction of business at any Commission meeting. One (1) or more members of the Board of Commissioners may be present by means of telecommunications devices which enable all members of the Board of Commissioners to participate in the meeting to communicate with each other. However, at least one (1) member of the Board of Commissioners shall be physically present at the location designated in the meeting notice. The communications among members of the Board of Commissioners must be audible to the public attending the meeting in person and the members of the Board. (Reference Idaho Code, Section 74-203(5).) A majority of the whole Commission (three (3) votes) is required in order to exercise the powers of the Commission (Reference Idaho Code, Section 40-1306(2).)

1004.5 Commission Meeting Agenda

The Secretary of the Commission, under the direction of the Director, shall assemble a list of matters to be heard by the Commission. The Secretary shall prepare an agenda for the Commission according to the order of business. A copy of the agenda and supporting materials shall be prepared for the Commissioners, the Director, and the public. The Commission shall have the

option of dropping any item from the agenda or deferring an item on the agenda to a future Commission meeting. The Presiding Officer, each Commissioner, or the Director may add new items to the agenda.

1004.6 Director

The Director, as the executive officer and head of the executive branch of the District, or a designee, shall attend all Commission meetings, unless excused by the Presiding Officer or the Commission. The Director may take part in the Commission's discussion on all matters on the agenda. If the Director is unable to attend a Commission meeting, the Director shall appoint another qualified staff member to attend the meeting for the Director.

1005 DUTIES AND PRIVILEGES OF THE DISTRICT COMMISSIONERS

1005.1 Forms of Address

The President shall be addressed as "President (surname)." Members of the Commission shall be addressed as "Commissioner (surname)."

1005.2 Seating Arrangement

Commissioners shall occupy the respective seats assigned to them by the President.

1005.3 Appearance of Fairness Doctrine

1005.3.1 Appearance of Fairness Doctrine Defined

Public hearings and meetings must not only be fair but must appear to be so. Appearance is as important as substance. The test of whether the Appearance of Fairness doctrine has been violated is as follows: (i) would the hearing or meeting appear fair to a reasonable, disinterested person? And (ii) would a reasonable, disinterested person, knowing all of a Commissioner's personal interest in a matter being acted upon, be justified in thinking that partiality may exist?

1005.3.2 Request to Excuse a Commissioner

The Presiding Officer shall have authority to request a Commissioner to be excused based on an Appearance of Fairness violation. Further, if two (2) or more Commissioners believe that an Appearance of Fairness violation exists, such individuals may move to request a Commissioner to be excused based on an Appearance of Fairness violation. In making this decision, the Presiding Officer or other Commissioners shall consider the opinion of the District's Legal Department.

1005.4 Dissents and Protests

Any Commissioner shall have the right to express dissent or protest any ordinance, resolution or motion of the Commission and have the reason entered in the minutes.

1005.5 Attendance at Other Meetings

It may be advisable for Commissioners to attend meetings and participate in organizations that interrelate to the role of the District, such as the Community Planning Association of Southern Idaho (COMPASS), Ada County, any city emergency management, and the Association of Highway Districts. The Commissioners may also designate a District representative to attend or participate in such meetings.

1006 COMMISSION PROCEDURE

1006.1 Rules of Order

Rules of order not otherwise specified by statute or this Policy Manual shall be decided on an informal basis by the Commissioners or generally in accordance with the most recent edition of Robert's Rules of Order Newly Revised.

1006.2 Motions

All ordinances, resolutions, contracts and items of business that require Commission approval before funds are spent shall be in the form of an affirmative motion.

1006.3 Order of Business

The business of all regular meetings of the Commission shall be transacted as specified in the agenda. During a Commission meeting, the Presiding Officer may re-arrange items on the agenda to conduct the business more logically.

1006.3.1 Subjects Not on the Current Agenda

Any member of the public may request time to address the Commission after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments in his sole discretion. The time for comments may be limited by the Presiding Officer, as necessary, generally three (3) minutes. Following public comments, the Presiding Officer may place the matter on the current or future agenda or refer the matter to the Director for investigation and report.

1006.3.2 Subjects on the Current Agenda

Any member of the public who wishes to address an item on the current agenda shall make a request to the Presiding Officer when public comments are requested. As an option, the Presiding Officer may use a sign-in procedure. The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so testimony is heard in the most logical groupings, such as proponents, opponents, adjacent owners, vested interests, etc.

1006.3.3 Overruling a Vote

Any ruling by the Presiding Officer under the preceding two (2) subsections may be overruled by a vote of a majority of members present.

1006.3.4 Consent Agenda

The Director, working with the Presiding Officer, shall place matters on the Consent Agenda that: (a) have been previously discussed by the Commission; or (b) are based on information given to Commission members by administration and can be reviewed without further explanation; or (c) are so routine or technical in nature that passage is likely; or (d) are directed by the District Commission.

The proper Commission motion on the Consent Agenda is: "I move for adoption of the Consent Agenda." This motion shall be non-debatable and has the effect of adopting all items on the Consent Agenda. Since adopting the Consent Agenda implies unanimous approval of all items, any member of the Commission shall have the right to remove any item from the Consent Agenda.

Before the vote on the motion to adopt the Consent Agenda, the Presiding Officer shall ask if any Commissioner wishes to withdraw an item from the Consent Agenda. The Presiding Officer shall place a withdrawn item on the agenda for the current or a future meeting.

1006.4 Procedures for a Public Hearing

1006.4.1 Signing In

Before beginning the "Comments from the Public" portion of a public hearing, the Presiding Officer may require that each person wishing to speak sign in with the Clerk. Each individual shall provide his or her name, address, the agenda item, and indicate whether he or she wishes to speak as a proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have spoken. At any public hearing, all persons who have signed in and wish to be heard shall be heard. The Presiding Officer shall be authorized to set speaker time limits and control presentations to avoid repetition. The same procedures apply in meetings that are not quasi-judicial. The Presiding Officer may change the order of speakers, so testimony is heard in logical groupings, such as proponents, opponents, adjacent owners, vested interests, etc.

1006.4.2 Introduction of Agenda Item

The Presiding Officer shall introduce the agenda item, open the public hearing, and announce the following Rules of Order:

"All comments by proponents, opponents, or the public shall be made from the speaker's rostrum. Any person making comments shall first give their name and address. This is required because an official record of the public hearing is being made."

1006.4.3 Public Comment

Public comment shall be received after an agenda item is introduced.

1006.4.4 Closing Public Hearing

The Presiding Officer shall close the public hearing following the conclusion of all matters to be heard.

1006.4.5 Inquiry for Motion

Following the close of the public hearing, the Presiding Officer shall inquire as to whether there is a motion by any Commissioner. Motions shall be affirmative. After the motion and its second, the Commissioners shall discuss the item. The Presiding Officer may call upon individual Commissioners in the discussion.

1006.4.6 Inquiry for Further Discussion

The Presiding Officer shall inquire if there is any further discussion by the Commissioners.

1006.4.7 Inquiry for Final Comments

The Presiding Officer shall inquire if there are any final comments or recommendations from the Director or District Staff.

1006.4.8 Directions to Administration

The Presiding Officer may direct the Director or District Staff to prepare findings consistent with the action.

1006.5 Voting

The votes during all meetings of the Commission shall be transacted as follows:

1006.5.1 Voice Votes

Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice. At the request of any Commissioner, a roll call vote shall be taken by the Clerk. The order of the roll call vote shall be determined by the Presiding Officer.

1006.5.2 Tie Votes

In the case of a tie vote on any proposal, the proposal shall be considered lost.

1006.5.3 Commissioners Required to Vote

Unless otherwise excused, every Commissioner who was present when the question was put shall give their vote. If any Commissioner declines to vote "yes" or "no," such vote shall be counted as a "yes" vote.

1006.5.4 Majority Vote Required

The passage of any motion or resolution requires the affirmative vote of a majority of the members of the Commission. (A majority of the highway commissioners may exercise all of the powers of the Board.) (Reference Idaho Code, Section 4-1306(2).)

1006.6 Committee Procedures

1006.6.1 Special Ad Hoc Citizen Advisory and Administrative Committees

Special ad hoc citizen advisory and administrative committees may be created by the Commission for a particular purpose. Committee members shall be appointed by the President, with the advice and consent of the Commission. The Director shall appoint the chair of the Committee. Citizen study committees shall

sunset at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Commission for a specified period. One Commissioner may be appointed as a liaison member of a Citizen advisory committee.

1006.6.2 Committee Recommendations

Only Committees that are created pursuant to statute or by ordinance or resolution of the Commission and that are authorized in the statute, ordinance or resolution to make recommendations to the Commission are classified as Advisory Committees and may make recommendations on proposed programs, services, ordinances, and resolutions in their area of responsibility before action is taken by the Commission. The Advisory Committee Chair may present the committee recommendations during the discussion of the item of business.

Committees that are not created pursuant to statute or by ordinance or resolution of the Commission may or may not have bylaws, but they are classified as Administrative Committees and shall not make recommendations to the Commission.

1006.6.3 Staff Members on Committees

Employees shall staff the various committees as directed by the Director, but no staff person shall serve as a member of a District citizen advisory or administrative committee.

1006.6.4 Minutes

Minutes of Advisory Committee meetings shall be taken at Advisory Committee meetings. Minutes of Administrative Committee meetings may, but need not, be taken.

1006.6.5 Open Meetings Law

Advisory Committee meetings are subject to the Idaho Open Meetings Law, Title 74, Chapter 2, Idaho Code. Administrative Committee meetings are not subject to the Idaho Open Meetings Law.

1006.7 Enacted Ordinances, Resolutions and Motions

An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct of the corporate business of the District. Commission action shall be taken by ordinance when authorized by law, to prescribe permanent rules of conduct that continue in force until repealed, or when such conduct is enforced by penalty.

An enacted resolution is an internal legislative act that is a formal statement of policy concerning matters of special or temporary character. Commission action shall be taken by resolution when required by law, and when a more formal expression of policy is desired.

An enacted motion is an action taken by the Commission to direct that a specific procedure be done. A motion, once approved and entered into the record, is the same as a resolution when a resolution is not required by law.

1006.8 Resolutions

A resolution may be passed on the same day it was introduced. The title of each resolution shall be read before its passage. If a majority of the Commissioners present request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Commission meeting.

1006.9 Ordinance Procedures

1006.9.1 Final Passage

Except for the Impact Fee Ordinance as provided below, an ordinance may be passed on the same day it was introduced. If a majority of the Commissioners present request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Commission meeting.

1006.9.2 Impact Fees Ordinance

Title 67, Chapter 82, Idaho Code, must be followed with respect to any Impact Fee Ordinance.

1006.9.3 Study of Ordinance

A Commissioner may, in open session, request that the Commission study the wisdom of enacting a particular ordinance. By affirmative motion, the Commission may assign the proposed ordinance to a specific committee for study and consideration. The committee shall report its findings to the Commission.

1006.9.4 Failed Motion

If a motion to pass an ordinance fails, the ordinance shall be considered lost.

1006.9.5 Supermajority Vote Required

The passage of any ordinance requires the affirmative vote of two-thirds (2/3) of the members of the full countywide highway district commission. (Reference Idaho Code, Section 40-1406.)

1006.10 Permission Required to Address the Commission

Persons other than Commissioners and management shall be permitted to address the Commission when recognized by the Presiding Officer.

1006.11 Reconsideration

A Commissioner, a member of ACHD staff, or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.

Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded, it is subject to a motion to postpone to a certain time.

A motion for reconsideration may be made at the same meeting as the action to be reconsidered was taken. If not made at that time, the following procedure shall be followed:

1. The request must be in writing and delivered to the Secretary of the Highway District no later than 11:00 a.m. two (2) days prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
2. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
3. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
4. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
5. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

1006.12 Complaints and Suggestions to Commission

When citizen complaints or suggestions are brought before the District Commission, other than for items on an agenda, the following procedures apply.

1006.12.1 Handling Complaints and Suggestions

If the Commission finds such complaint involves a change in an ordinance or resolution of the District, the matter may be referred to a committee or to the Director for study and recommendation.

1006.12.2 Complaints about Administrative Staff

For complaints about administrative staff performance, interpretation of legislative policy, or administrative policy under the authority of the Director, the Commission may refer the complaint to the Director for review, unless the complaint has already been reviewed. The District Commission may direct that the Director report to the Commission when the response is made.

1006.13 Filling Commission Vacancies

The following procedures shall be used to fill a vacancy in the office of Commissioner. Until an election is held, the vacancy should be filled by the most qualified person available. The Commission will publish a notice of the vacancy and distribute the application procedure and any application form. The Commission will prepare an application form allowing the applicant to provide information responsive to relevant questions posed by the Commission. The completed application form will be used during the interview of each candidate to aid the Commission's selection of the new Commissioner.

1006.14 Photographs, Motion Pictures, Video Tape – Permission Required for Artificial Illumination

No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at the District Commission meetings without the consent of the Presiding Officer or a majority of the Commission.

1006.15 Commission Guidelines

In addition to the Rules of Procedure, each District Commissioner should be familiar with the District Commission guidelines as they may, from time to time, be changed. These guidelines are advisory only. In the event of any conflict between these guidelines and any relevant provision of state law, the state law shall control.

1007 EXTERNAL COORDINATION AND COOPERATION

The work performed by the District requires close coordination among many government entities, organizations, groups and individuals. Each project is unique and the need for external coordination and cooperation has to be determined for each activity. The interest of most organizations in District activities varies, depending on how directly the activities affect them.

The following is a list of organizations with which the District regularly works:

1007.1 Community Planning Association of Southwest Idaho (COMPASS)

The Community Planning Association of Southwest Idaho (COMPASS) is the long-range transportation planning agency for the Treasure Valley. COMPASS is involved in numerous regularly-scheduled activities and special projects that require close coordination and cooperation. Examples of these responsibilities include: Long Range Transportation Plan, Functional Classification Map, Transportation Improvement Program; Transportation Data/Modeling, Road Impact Fee Support, Map Maintenance, Development Monitoring, and Demographic Updates.

1007.2 Idaho Transportation Department (ITD)

There are two (2) distinct groups within ITD which need to be identified: ITD Headquarters and ITD District III.

1007.2.1 ITD Headquarters

The ITD Headquarters activities that the District may participate in, benefit from, or provide input for, include: management of the highway distribution account, administration of the local option registration fee, employee training, and administration of federal programs, public information, local road programs, and the bridge inspection program.

1007.2.2 ITD District III

ITD District III includes several counties in southwestern Idaho. ITD District III duties focus on construction and maintenance activities on state and federal highways.

1007.3 Ada County

The primary activities requiring interaction with Ada County include: the Geographic Information System, development proposals, and law enforcement.

1007.4 Cities in Ada County

Primary city government activities requiring interaction with the District include: development proposals, joint agreement implementation, drainage, facility installations (including street lights, water, sewer, geothermal, parks and storm drains), and law enforcement. Activities occurring outside of the city limits, but within the respective city area of impact, may include involvement of both the city and Ada County.

1007.5 Idaho Association of Highway Districts

The District is a member of the Statewide Association. The District and the Association work primarily on legislative issues.

1007.6 Utilities

Utility companies are affected by most District projects. They must get permission to work in District rights-of-way for their projects. The District's

participation in DIG Line, the Utility Coordinating Council, and its notification process for pending projects are important aspects of working closely with the utilities.

1007.7 Media

It is extremely important to keep the media informed of District activities. District policy about the media is discussed in Section 1010 below.

1007.8 Public

The public is affected by nearly everything the District does. It is important that the affected public be informed and given an opportunity to provide input about the District activities. District policy about the public is discussed in Section 1010.

1007.9 Service and Civic Organizations

Periodically, the District is asked to speak about District activities or programs at an organization meeting. The policy of the District is to accept such invitations. These organizations can be important supporters of the District.

1007.10 Internal

Close coordination and full cooperation between the departments, divisions, sections, and individuals are essential if the District is to perform the work and provide the services mandated in the most efficient manner. Every employee shall extend every effort to work effectively with fellow employees.

1008 OUTREACH PROGRAM

The District has an Outreach Program to cooperate with individuals and organizations in Ada County. The purpose of the program is to:

- Improve District credibility with the citizens of Ada County;
- Increase the flow of information about District programs;
- Gain support for District projects through better understanding;
- Provide a forum for public input on District activities;
- Increase efforts to include citizen concerns in the planning process;
- Respond quickly to questions and issues raised by the public; and
- Improve public opinion about the District.

The elements of the program are outlined below.

1009 BUILDING THE PROGRAM

1009.1 The Role of Staff

District employees have a major impact on District relations with the public. They meet others through casual contact, by responding to inquiries and complaints, and in conducting activities visible to the public.

1009.1.1 Casual Contact

While at work, most District employees have both formal and informal contact with the public and with representatives of other agencies. Employees are responsible for being well informed about activities in which they are involved so as not to mislead the public. Supervisors shall help the employees become well informed.

Employees who are well informed about their jobs, District work goals, and the responsibilities of their divisions are able to discuss matters of public interest more effectively. All public contact should be conducted in a positive, polite and businesslike manner. Abusive or profane language shall not be used during public contact.

1009.1.2 Inquiries and Complaints

District staff members should be sufficiently knowledgeable of their activities and able to adequately respond to routine questions. An employee who is unable to respond to a routine question should know where to look, who to ask, or to whom the question should be referred. The public should not be forced to work their way through a maze of governmental bureaucracy.

Most complaints result from providing incomplete, inadequate, or incorrect information. With some complaints, it is very difficult to correct the cause. Other complaints must be worked out over a long period of time. Most complaints point out some inadequacy, either in the District's programs or the ability to disseminate information to the public. When a citizen has a complaint, small details are important. No matter how busy employees are, they should listen attentively. The problem is important to the individual, no matter how insignificant it might be to the overall program.

1009.2 Public Involvement in Project Development

See Section 3105.6.1.

1009.3 Capital Investment Citizens Advisory Committee (CICAC)

The CICAC is a recommending body that helps the District Commissioners carry out the responsibilities of the district. Advice from the CICAC helps the Commission set policy for the construction and installation of streets, roads and related structures. The CICAC is a fourteen-member committee, composed of two (2) members from each city and the county, which shall be comprised of one (1) land use planning director (or planning designee) and one (1) resident citizen. Of the appointed citizen membership, a minimum of two (2) members shall be

active in the business of development, building or real estate. The remaining citizen membership shall be comprised of individuals that are active and have occupational expertise as follows:

1. Civil or traffic engineering – a minimum of one (1) member;
2. Economics, accounting, or finance - a minimum of one (1) member;
3. Neighborhood organization - a minimum of one (1) member; and
4. Highway and bridge construction - a minimum of one (1)

The CICAC is a part of the District's outreach program to get the county, cities, and citizens involved in one of the District's major activities. District staff shall support the CICAC to help the Committee develop sound recommendations for the Commissioners.

1009.4 Ad Hoc Committees

Citizen ad hoc committees are brought together for special, sensitive, or controversial projects or programs. They are an effective method of assuring public involvement while working with a limited segment of the population. The District considers ad hoc committees on all projects and programs.

1009.5 Other Outreach Techniques

Today's public demands that governing organizations earn their support. The public wants to know about activities and wants to be asked for their advice on projects and programs that concern them. The District cannot merely feed people information when it thinks they need it. Different methods must be used to reach many different segments of the public. The methods include small conferences, home meetings, focus groups, public forums, mass mailings, civic group meetings, and one-on-one discussions.

1010 COMMUNICATING

1010.1 Communicating with the Public

General guidelines for communicating with the public are discussed in Section 1009.1 above. Employees should never mislead or antagonize the public. They should describe a situation in lay terms so the average person can understand, avoid arguments, and use light humor sparingly. ("We are going through the middle of your house" is not very funny to a concerned homeowner.)

1010.2 Communicating with the Media

The District frequently receives negative press coverage. Stories distort District handling of various activities. Therefore, District employees should routinely involve the Communications Department. All controversial and sensitive subjects shall be referred to the Communication Department and the Director.

1011 NEWS RELEASES

All news releases shall be prepared and distributed by the Communications Department. The Communications Department may contact various employees for news release details, and each employee shall cooperate fully.