RESOLUTION NO. 2023-08

BY THE BOARD OF DRAINAGE COMMISSIONERS OF DRAINAGE DISTRICT NO. 3 OF THE COUNTY OF ADA, STATE OF IDAHO:

A RESOLUTION ESTABLISHING THE ADA COUNTY DRAINAGE DISTRICT NO. 3 ASSESSMENT FOR THE COST OF MAINTENANCE OF THE FACILITIES OF THE ADA COUNTY DRAINAGE DISTRICT NO. 3 FOR FISCAL YEAR 2024 FOR THE AREAS, DRAINED, PROTECTED AND BENEFITTED WITHIN ADA COUNTY DRAINAGE DISTRICT NO. 3'S BOUNDARIES AND BY THE DRAINAGE SYSTEM CONSTRUCTED, MAINTAINED AND OPERATED BY THE ADA COUNTY DRAINAGE DISTRICT NO. 3; APPROVING THE OPERATING BUDGET FOR FISCAL YEAR 2024 OF THE ADA COUNTY DRAINAGE DISTRICT NO. 3; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ada County Drainage District No. 3 ("District"), as a duly organized, created and functioning drainage district, has the power and authority to levy and make assessments upon lands within the District's boundary, and benefitted by the drainage system constructed, maintained, and operated by said District for the purposes enunciated in Chapter 29, Title 42, Idaho Code;

WHEREAS, the Board of said District is required by law (Sections 42-2961 and 42-2962, Idaho Code), to make an estimate of the costs of maintenance and operation of the drainage system and to certify the amount so estimated upon the auditor of the county in which the District is located and situate;

WHEREAS, Drainage District No. 3 has previously published notice on July 21 and 28, 2023, of a public hearing to be conducted on August 4, 2023, at 10:00 a.m., at the offices of Elam and Burke, 251 E. Front Street, Suite 300, Boise, Idaho;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DRAINAGE COMMISSIONERS OF DRAINAGE DISTRICT NO. 3 OF THE COUNTY OF ADA, STATE OF IDAHO:

Section 1. That it is hereby estimated that District will require the approximate sum of $166,400 for the ensuing year for the maintenance of the drainage system constructed, maintained, and operated in the boundary of the District, which estimate includes the costs of repair or tiling of drain ditches, operation of pumps/wells, and all appurtenances and machinery necessary or incidental thereto, materials, supplies, equipment, salaries, wages, legal fees, accounting fees, and all other necessary or incidental expenses. This amount includes $25,000 for capital improvements and approximately $40,000 for expenses related to the NPDES compliance activities and other expenses listed in attached Exhibit A.

Section 2.

A. That during the past three (3) fiscal years of the District, Operating Expenses have ranged from approximately $80,000 to $127,400 each year, with the amount fluctuating

depending on the expenses relating to the District's participation and compliance with the NPDES permitting process as more fully described in Section 3 of this Resolution, the District's expenditure for improvement to the District's drainage system, consisting of tiling, piping, repairing and replacing certain portions of the drainage system, including the District's pumps, and responding to any request for emergency participation by the District.

B. That the District, in response to certain applications and requests of the District and in order to better operate the District, continues to retain a consulting engineer, Nick Kraus, P.E. of Quadrant + River Structures, LLC.

C. That the District's infrastructure is aging and may require more repair and maintenance.

Section 3. That the funds now available to the District have been set aside and reserved for the following purposes:

A. Extraordinary repair and maintenance required because of break, damage or catastrophe not now expected.

B. Reserve for other unexpected expenses which may occur prior to the assessment for 2024.

C. Possible participation in drainage facility improvements associated with ACHD improvements, or improvements associated with private development within the District area.

D. To pay for the continued expense associated with the District's status as a permittee under the NPDES permit, now under control of the Idaho Department of Environmental Quality ("IDEQ").

E. Participation with developers or ACHD on continuing projects to improve the District's system, continued use of the District's consulting engineer, and other necessary consulting services.

Section 4. For the purpose of providing funds for the maintenance, operation, and repair of the drainage system operated by the District, there is hereby levied and assessed the following levy and assessment upon and against each and every tract, lot or piece or parcel, or easement of land set forth in the roll of properties in said District, and against each corporation located in the District, heretofore certified by the Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the Auditor and Recorder of said Ada County, State of Idaho.

(a) An assessment of 4.0 percent of the total assessment levied, payable and to become payable under the aforesaid assessment rolls, for the maintenance and operation of the drainage system within said District, including repair and maintenance of all ditches and spurs, pumps and wells together with all appurtenances and machinery necessary or incidental thereto; the purchase of

materials, supplies and equipment; payment of salaries and wages; legal fees and accounting fees, and payment of all other necessary and incidental expenses; and

(b) Provided, however, in accordance with and pursuant to Section 42-2961, Idaho Code, the Board of Commissioners for the District do hereby exercise the option to make and levy a minimum assessment of **Eight Dollars ($8)** upon and against each and every parcel or piece of land within said District.

Section 5. That the Operating Budget, attached hereto as Exhibit A, is hereby approved and incorporated herein by reference.

Section 6. That the Auditor of Ada County, Idaho, be, and he is hereby, directed to extend the aforesaid levy and assessment upon the tax rolls of Ada County, State of Idaho for receipt by the District in 2024, to be added to the general taxes, and collected therewith, of the landowners within said District.

Section 7. That a certified copy of this Resolution be delivered to the Assessor, Auditor and Treasurer (Ex-Officio Tax Collectors) of Ada County, for information and guidance of said offices and a copy uploaded to the Idaho State Controller's registry.

Section 8. That this Resolution shall be in full force and effect immediately upon its adoption and approval

ADOPTED by the Board of Commissioners of Drainage District No. 3 of the county of Ada in the state of Idaho, this 4th day of August 2023, and executed by the Chairman of the Board and attested by the Secretary as directed by the Board of Commissioners pursuant to a motion duly made, seconded, and carried at a regular meeting held on the 4th day of August 2023.

EXECUTED:

By _____
Steve Sweet, Chair

ATTEST:

Secretary

The undersigned Secretary hereby certifies that the foregoing Resolution was passed unanimously by the Commissioners of Ada County Drainage District No. 3.

8/9/2023
Date

Ashley Newbrey
Secretary

EXHIBIT A

ADA COUNTY DRAINAGE DISTRICT NO. 3
FISCAL YEAR 2024 OPERATING BUDGET

STATEMENT OF EXPENDITURES

EXPENDITURES	PROPOSED 2024 BUDGET 10/1/23-9/30/24	APPROVED 2023 BUDGET 10/1/22-9/30/23	PROJECTED FOR 2023 BUDGET 10/1/22-9/30/23
Wages	18,000	15,000	11,000
Utilities	2,000	2,000	1,850
Legal	55,000	40,000	41,700
Accounting	10,000	10,000	8,706
Workmens' Compensation/Liability/Directors/ Officers Insurance	4,000	4,000	2,850
Payroll Taxes	2,000	1,500	800
Miscellaneous Expense	1,000	1,000	855
Repairs and Maintenance	7,000	2,000	524
Commissioners Fees	2,400	1,800	2,400
Capital Improvements	25,000	25,000	674
Monitoring Fees (NPDES costs/ compliance including annual reports)	40,000	40,000	11,107
Consulting Fees	25,000	20,000	11,864
TOTAL EXPENDITURES	166,400	162,300	94,330
REVENUES	156,400	162,666	105,134
DEVELOPER FEES REVENUE	10,000	0	0
FUND BALANCE TRANSFER	0	0	0
CARRYOVER & RESERVE	0	366	10,804