



**Board of Health Meeting**  
 Tuesday, June 24, 2025  
 13307 Miami Lane, Caldwell, ID 83607

Public comments specific to an agenda item for the June 24, 2025 Board of Health meeting can be submitted [here](#) or by mail to: SWDH Board of Health, Attn: Administration Office, 13307 Miami Lane, Caldwell, ID, 83607. The period to submit public comments will close at 10:00 a.m. on Monday, June 23, 2025. The meeting will be available through live streaming on [the SWDH You Tube channel](#).

**Agenda**

	<u><b>A = Board Action Required</b></u>	<u><b>G =Guidance</b></u>	<u><b>I = Information item</b></u>
9:00	A	Call Meeting to Order	Chairman Kelly Aberasturi
9:01		Pledge of Allegiance	
9:04		Roll Call	Chairman Kelly Aberasturi
9:07	A	Call for Changes to Agenda; Vote to Approve Agenda	Chairman Kelly Aberasturi
9:10		In-person Public Comment	
9:15	I	Introduction of New Employees	Division Administrators
9:20	A	Approval of May 2025 Meeting Minutes	Chairman Kelly Aberasturi
9:22	I	April 2025 Monthly Expenditure and Revenue Report	Don Lee
9:30	I	Finance Officer Update	Don Lee
9:35	I	Board of Health Member Term Renewal Confirmation	Chairman Kelly Aberasturi
9:45	I	Subsurface Sewage and Ground Water Protection Program Overview	Mitch Kiester
10:15	I	Agreement with City of Nampa for Pool Inspections	Mike Kane, Nikki Zogg
10:25	A	Pool Fees	Ben Shatto, Jeff Buckingham
10:40		Break	
10:55	A	Lawful Presence Verification (House Bill 135)	Mike Kane
11:15	A	Board of Health Delegated Authorities to the Director	Chairman Kelly Aberasturi
11:35		Directors Report	
		<ul style="list-style-type: none"> <li>• Open Meeting Law and Board Conduct Best Practices – 2025 Board Workplan</li> <li>• Board of Health SharePoint Site</li> </ul>	
11:40		Executive Session Pursuant to Idaho Code 742-206(b)	
11:55	A	Action taken as a result of Executive Session	
11:58	I	Future Agenda Items	
12:00		Adjourn	

**NEXT MEETING: Tuesday, July 22, 2025 – 9:00 a.m.**



**BOARD OF HEALTH MEETING MINUTES**  
**Tuesday, May 20, 2025**

**BOARD MEMBERS:**

Jennifer Riebe, Commissioner, Payette County – present  
Jim Harberd, Commissioner, Washington County – present  
Zach Brooks, Commissioner, Canyon County – present  
Kelly Aberasturi, Commissioner, Owyhee County – present  
Viki Purdy, Commissioner, Adams County – present  
John Tribble, MD, Physician Representative – present  
Bill Buttici, Commissioner, Gem County – present

**STAFF MEMBERS:**

In person: Nikki Zogg, Katrina Williams, Don Lee, Beth Kriete, Aaron Howard, Ben Shatto, Jody Waddy

Virtual: Colton Osborne

**GUESTS:** No guests present.

**CALL THE MEETING TO ORDER**

Chairman Kelly Aberasturi called the meeting to order at 9:11 a.m.

**ROLL CALL**

Chairman Aberasturi – present; Dr. John Tribble – present; Commissioner Purdy – present;  
Commissioner Harberd – present; Vice Chairman Brooks – present; Commissioner Riebe – present;  
Commissioner Buttici – present.

**REQUEST FOR ADDITIONAL AGENDA ITEMS AND APPROVAL OF AGENDA**

Chairman Kelly Aberasturi asked for additional agenda items. Board members had no additional agenda items or changes to the agenda.

**MOTION:** Commissioner Riebe made a motion to approve the agenda as presented. Commissioner Harberd seconded the motion. All in favor; motion passes.

**PUBLIC COMMENT**

No public comment provided in person and no public comments were submitted through the online submission mechanism.

**EXECUTIVE SESSION PURSUANT TO IDAHO CODE 74-206(b)**

Pursuant to Idaho Code 74-206(b) Board members entered Executive Session at 9:13 a.m. Commissioner Brooks made a motion to go into executive session. Commissioner Riebe seconded the motion. Roll call taken.

At 10:12 a.m., board members came out of executive session.

## **ACTION FOLLOWING EXECUTIVE SESSION**

**MOTION:** Commissioner Bill Butticci made a motion to approve a 3% increase in pay for the District Director. Commissioner Brooks seconded the motion. One opposed with Commissioner Purdy voting in opposition. Motion passes.

## **INTRODUCTION OF NEW EMPLOYEES**

Division Administrators introduced the new employees.

## **APPROVAL OF APRIL 2025 MEETING MINUTES**

Board members reviewed meeting minutes from the April 22, 2025 Board of Health meeting.

**MOTION:** Commissioner Brooks made a motion to approve the April 22, 2025 meeting minutes as corrected. Commissioner Harberd seconded the motion. All in favor; motion passes.

## **MARCH 2025 EXPENDITURE AND REVENUE REPORT**

Aaron Howard, Chief Financial Officer, presented the March 2025 Expenditure and Revenue Report. Revenue and expenditure reports show that billing is slightly higher than average due to the delay billing now remedied.

With regard to the youth crisis center and adult crisis center, Commissioner Aberasturi reminded Board members and staff that the crisis center funds are pass through funds with just a small amount used administration costs.

## **APPOINTMENT OF BOARD OF HEALTH PHYSICIAN REPRESENTATIVE**

Chairman Aberasturi asked for Board members to consider the re-appointment of Dr. John Tribble, MD, Board of Health Physician Representative.

**MOTION:** Commissioner Brooks made a motion to reappoint Dr. Tribble as Board of Health Physician Representative. Commissioner Purdy seconded the motion. None opposed. Motion passes.

## **FOSTER CARE TRENDS IN DISTRICT 3**

Dr. Anna Briggs, Research Analyst, Principal, presented data on foster care trends in District 3. Southwest District Health has committed to adopt the Idaho Department of Health and Welfare's wildly important goal of reducing the number of children in foster care. Anna shared what Southwest District Health can do to achieve this goal and what we are already doing to help meet this goal.

Board members asked for several pieces of follow up data including the year-over-year trend for the number of foster children in care, breakdown of race and percentage of removals attributed to sexual abuse.

## **HOME VISITING PROGRAMS OVERVIEW**

### **Nurse Family Partnership**

Adriana Vilamil, Nurse Family Partnership (NFP) program manager, shared an overview of the Nurse Family Partnership (NFP) program. The program's goals include improving pregnancy outcomes, improving child health developing, promoting healthy eating, exercise, and attendance of prenatal and post-natal appointments. These services are available through age 2. Families needing further support

after their child reaches age 2 can utilize Parents as Teachers (PAT), another SWDH home visiting program for children up to age 5.

#### **Parents as Teachers**

Patty Kennings, SWDH Program Manager, presented information about the Parents as Teachers (PAT). The goal is to engage families, and the program focuses on the parent as the child's first and most influential teacher. Home visitors engage with families to help establish relationships that encourage stability and connect families with resources.

Dr. Tribble asked to look at evidence or citations for the evidence-based studies. Patty will send them to Dr. Tribble.

#### **IDAHO ASSOCIATION OF DISTRICT BOARDS OF HEALTH (IADBH) AGENDA INPUT**

Nikki Zogg, SWDH District Director, and Commissioner Viki Purdy, SWDH Board of Health Executive Council Representative, are working to develop the agenda for the IADBH annual conference scheduled for October 15-16 in Boise. The conference will likely be held at Central District Health (CDH) in Boise.

Board members discussed possible content for the meeting.

#### **DIRECTOR'S REPORT**

##### **SWDH Staff and Board Finance Workgroup Update**

Commissioner Brooks, Commissioner Riebe, and Commissioner Aberasturi have met with Nikki and the finance team representative to review financial policies and guidelines. The group has made some edits for Board members to review and approve. Some of the changes may require changes to the bylaws. The input and review from the board members has been helpful.

##### **Board of Health Term Expirations**

Appointments and confirmations for renewed terms are in progress. Nikki anticipates the process will be completed by the meeting on June 24, 2025.

##### **NACCHO Model Practice Award**

SWDH land development team staff were acknowledged nationally for innovation and best practice in their use of drones to help mark and identify septic system locations.

There being no further business, the meeting adjourned at 11:58 a.m.

Respectfully submitted:

Approved as written:

Nikole Zogg  
Secretary to the Board

Kelly Aberasturi  
Chairman

Date: May 20, 2025



# SOUTHWEST DISTRICT HEALTH

## REVENUES & EXPENDITURE REPORT FOR FY2025

*Cash Basis*

April 2025

Target **83.2%**

Fund Balances		
	FY Beginning	April 2025 Ending
General Operating Fund	\$ 636,900	\$ 1,192,970
LGIP Operating	\$ 6,938,818	\$ 5,977,913
LGIP Vehicle Replacement	\$ 108,497	\$ 112,982
LGIP Capital	\$ 1,299,174	\$ 1,299,174
<b>Total</b>	<b>\$ 8,983,390</b>	<b>\$ 8,583,040</b>

Income Statement Information			
	YTD	Month	
Net Revenue:	\$ 8,887,566	\$ 1,290,475	
Expenditures:	\$ (8,614,088)	\$ (953,091)	
Net Income:	<b>\$ 273,478</b>	<b>\$ 337,385</b>	

### District Activity - Fund 29000

Revenue								
	Office of the Director	Clinic Services	Env & Community Health	District Operations	Total	YTD	Total Budget	Percent Budget to Actual
County Contributions	\$ 262,145	\$ -	\$ -	\$ -	\$ 262,145	\$ 2,344,364	\$ 3,122,831	75%
Fees	\$ -	\$ 36,260	\$ 137,254	\$ -	\$ 173,514	\$ 1,832,449	\$ 1,704,841	107%
Contract Revenue	\$ -	\$ 602,794	\$ 252,022	\$ -	\$ 854,816	\$ 4,081,542	\$ 6,257,743	65%
Sale of Assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0%
Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250,004	\$ 337,850	74%
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 379,206	\$ 1,656,666	23%
Monthly Revenue	\$ 262,145	\$ 639,054	\$ 389,276	\$ -	<b>\$ 1,290,475</b>	<b>\$ 8,887,566</b>	<b>\$ 13,079,931</b>	<b>68%</b>
Year-to-Date Revenue	\$ 2,595,286	\$ 2,838,882	\$ 4,072,537	\$ 372,930	\$ 9,879,636	DIRECT BUDGET		

Expenditures								
	Office of the Director	Clinic Services	Env & Community Health	District Operations	Total	YTD	Total Budget <small>*Shift personnel savings down*</small>	Percent Budget to Actual
Personnel	\$ 25,990	\$ 288,493	\$ 236,360	\$ 117,074	\$ 667,917	\$ 6,546,970	\$ 9,324,880	70%
Operating	\$ 3,656	\$ 106,445	\$ 45,539	\$ 129,534	\$ 285,174	\$ 2,045,365	\$ 2,403,122	85%
Capital Outlay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,455	\$ 80,000	3%
Trustee & Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 19,297	\$ 1,271,929	2%
Monthly Expenditures	\$ 29,646	\$ 394,938	\$ 281,899	\$ 246,608	<b>\$ 953,091</b>	<b>\$ 8,614,088</b>	<b>\$ 13,079,931</b>	<b>66%</b>
Year-to-Date Expenditures	\$ 349,739	\$ 4,116,483	\$ 3,083,303	\$ 2,017,653	\$ 9,567,178	DIRECT BUDGET		

# SOUTHWEST DISTRICT HEALTH - ADULT CRISIS CENTER ACTIVITY

April 2025

## REVENUES & EXPENDITURE REPORT FOR FY2025

Cash Basis

Target **83.2%**



### Income Statement Information

	YTD	Month
Net Revenue: \$	1,402,546	\$ 125,000
Expenditures: \$	(959,585)	\$ (6,985)
Net Income: \$	442,961	\$ 118,015

## Adult Crisis Activity - Fund 29001

Revenue				
	Crisis Center	YTD	Total Budget	Percent Budget to Actual
Contract Revenue	\$ 125,000	\$ 1,402,546	\$ 1,020,000	138%
Monthly Revenue	\$ 125,000	\$ 1,402,546	\$ 1,020,000	138%
DIRECT BUDGET				

Expenditures				
	Crisis Center	YTD	Total Budget	Percent Budget to Actual
Personnel	\$ 1,921	\$ 17,485	\$ 18,870	93%
Operating	\$ 5,064	\$ 942,100	\$ 77,495	1216%
Capital Outlay	\$ -	\$ -	\$ -	0%
Trustee & Benefits	\$ -	\$ -	\$ 923,635	0%
Monthly Expenditures	\$ 6,985	\$ 959,585	\$ 1,020,000	94%
DIRECT BUDGET				

94% (Including T&B Budget)



## Youth Crisis Activity - Fund 29002

Restricted Funds:	\$	1,336,691	\$	-
Net Revenues:	\$	910,650	\$	125,000
Expenditures:	\$	(2,053,328)	\$	(132,221)
Net Income:	\$	194,013	\$	(7,221)

Revenue				
	Crisis Center	YTD	Total Budget	Percent Budget to Actual
Carry Over Restricted	\$ -	\$ 1,336,691	\$ 1,336,691	100%
Contract Revenue	\$ 125,000	\$ 910,650	\$ 355,750	256%
Monthly Revenue	\$ 125,000	\$ 2,247,341	\$ 1,692,441	133%
DIRECT BUDGET				

Expenditures				
	Crisis Center	YTD	Total Budget	Percent Budget to Actual
Personnel	\$ 10,424	\$ 122,901	\$ 221,775	55%
Operating	\$ 121,796	\$ 982,876	\$ 717,973	137%
Capital Outlay	\$ -	\$ 658,254	\$ -	0%
Trustee & Benefits	\$ -	\$ 289,297	\$ 752,693	38%
Monthly Expenditures	\$ 132,221	\$ 2,053,328	\$ 1,692,441	121%
DIRECT BUDGET				

92% (Including \$350,000 T&B Budget)

72% (Excluding \$350,000 T&B Budget)



# Land Development and Subsurface Sewage Disposal

PUBLIC HEALTH INNOVATION  
“DRONE PROJECT”



# Meet the Lands Team

- Mitch Kiester: Program Manager, REHS/RS
- Chris Ababon: Public Water Systems Sr., REHS/RS
- Anthony Lee: Land Development Sr., REHS/RS
- Brandon VanSlochteren: Septic Inspector, REHS/RS
- Josh Munnell: Septic Inspector, REHS/RS
- Tanner Thompsen: Septic Inspector, REHS/RS
- Garrett Exo: Septic Inspector, REHS/RS



# County Coverages

- Tanner Thompson
  - Adams, Washington, and Payette Counties
- Garrett Exo
  - Gem County and Owyhee County
- Brandon VanSlochteren
  - Northwest Canyon County (Caldwell)
- Josh Munnell
  - Southeast Canyon County (Nampa)



#### ★ **ESSENTIAL PUBLIC HEALTH SERVICE #1**

Assess and monitor population health status, factors that influence health, and community needs and assets

#### **ESSENTIAL PUBLIC HEALTH SERVICE #2**

Investigate, diagnose, and address health problems and hazards affecting the population

#### ★ **ESSENTIAL PUBLIC HEALTH SERVICE #3**

Communicate effectively to inform and educate people about health, factors that influence it, and how to improve it

#### **ESSENTIAL PUBLIC HEALTH SERVICE #4**

Strengthen, support, and mobilize communities and partnerships to improve health

#### ★ **ESSENTIAL PUBLIC HEALTH SERVICE #5**

Create, champion, and implement policies, plans, and laws that impact health

# How does the Land Development Program align with the 10 Essential Public Health Services



#### **ESSENTIAL PUBLIC HEALTH SERVICE #6**

Utilize legal and regulatory actions designed to improve and protect the public's health ★

#### **ESSENTIAL PUBLIC HEALTH SERVICE #7**

Assure an effective system that enables equitable access to the individual services and care needed to be healthy

#### **ESSENTIAL PUBLIC HEALTH SERVICE #8**

Build and support a diverse and skilled public health workforce ★

#### **ESSENTIAL PUBLIC HEALTH SERVICE #9**

Improve and innovate public health functions through ongoing evaluation, research, and continuous quality improvement ★

#### **ESSENTIAL PUBLIC HEALTH SERVICE #10**

Build and maintain a strong organizational infrastructure for public health

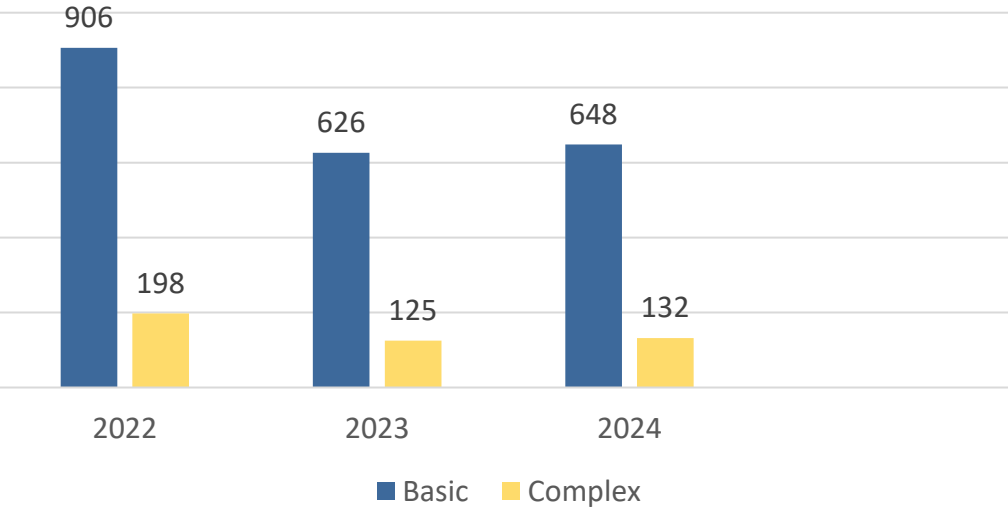
# How does this program support our communities?

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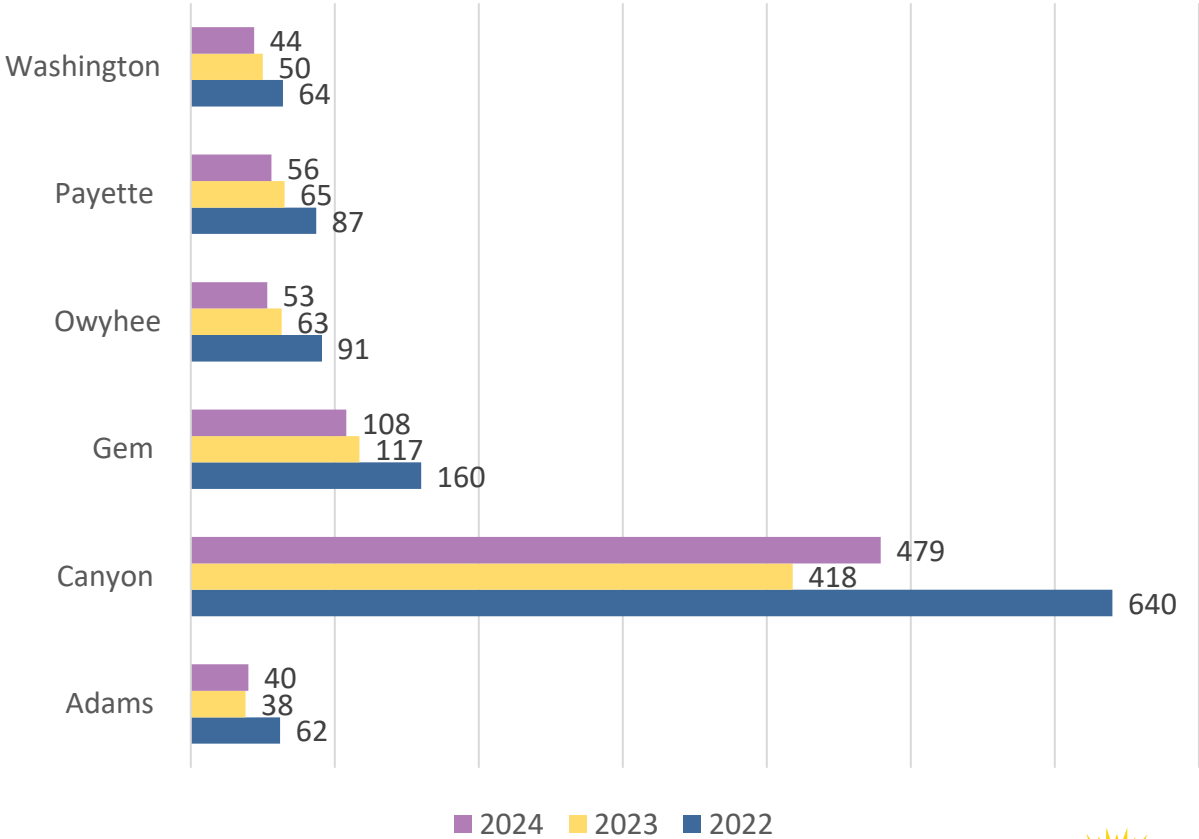
- Idaho Department of Environmental Quality (DEQ) has established groundwater and surface water standards for the state per (Title 39, Chapter 1, Idaho State Code)
- Per the Memorandum of Understanding “The Department of Environmental Quality and The Public Health Districts” each HD implements the Subsurface Sewage Disposal Program to protect human health and Idaho’s groundwater
- The purpose of these standards are to ensure that we protect humans and natural resources today, and ensure future generations have access to these resources

# Permit Statistics

Total Permits Issued, Fiscal Year 2022-2024



Permits Issued by County, Fiscal Year 2022-2025





# IDEQ Annual Audit Scores

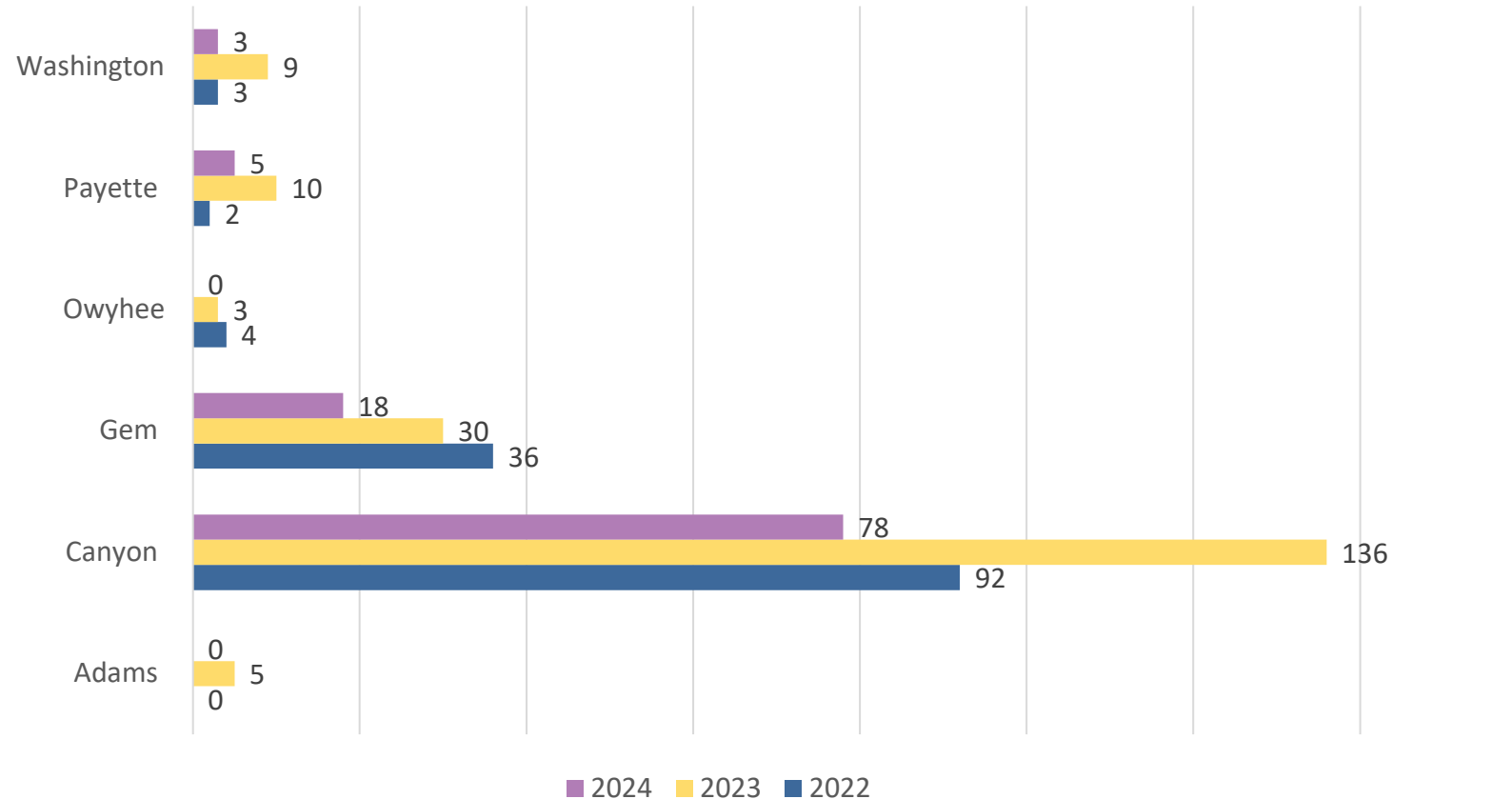
Audit Scores are broken down into two categories: **Basic** and **Complex**

- 2022 IDEQ Audit Scores: 99% for basic and 98% for complex
- 2023 IDEQ Audit Scores: 99% for basic and 100% for complex
- 2024 IDEQ Audit Scores: 98% for basic and 97% for complex

The SWDH Subsurface Sewage Disposal Program will achieve a 95% OR BETTER on the annual DEQ audit.

# Land Development Statistics

Plats Signed by County, Fiscal Year 2022-2025





# Subsurface Sewage Disposal PUBLIC HEALTH INNOVATION PROJECTS



# Quality Improvement Processes

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- Application On-line

- FY24 – 20.9% SSD & 19.6% Accessory
- FY25 – 24.6% SSD & 18.2% Accessory (July 1 to June 1)

- Historical Septic Records

- Drones



# Drones

# Drone Implementation

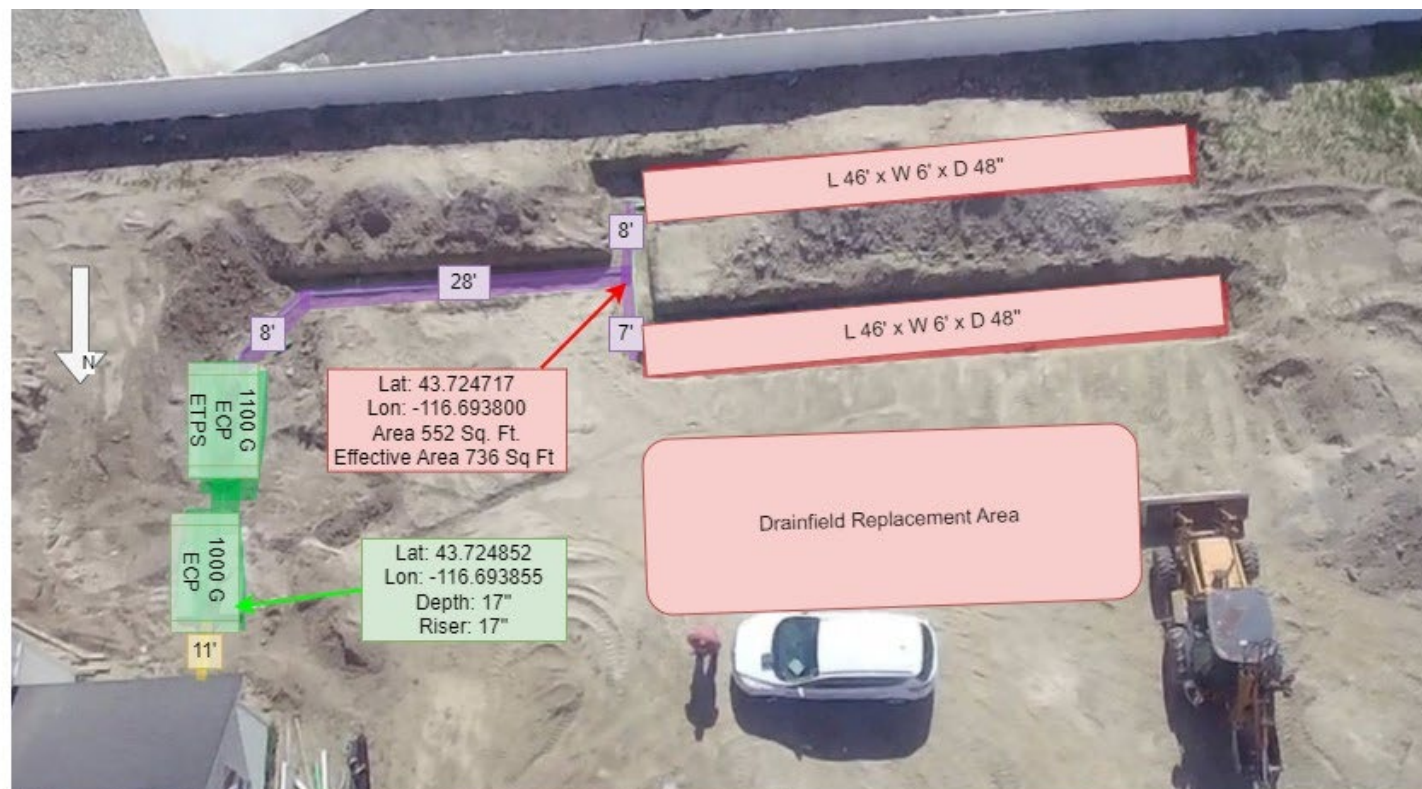
- Used for documentation purposes during the final as built inspection
- Requires proper Environmental conditions
- Requires system to be ready for burial







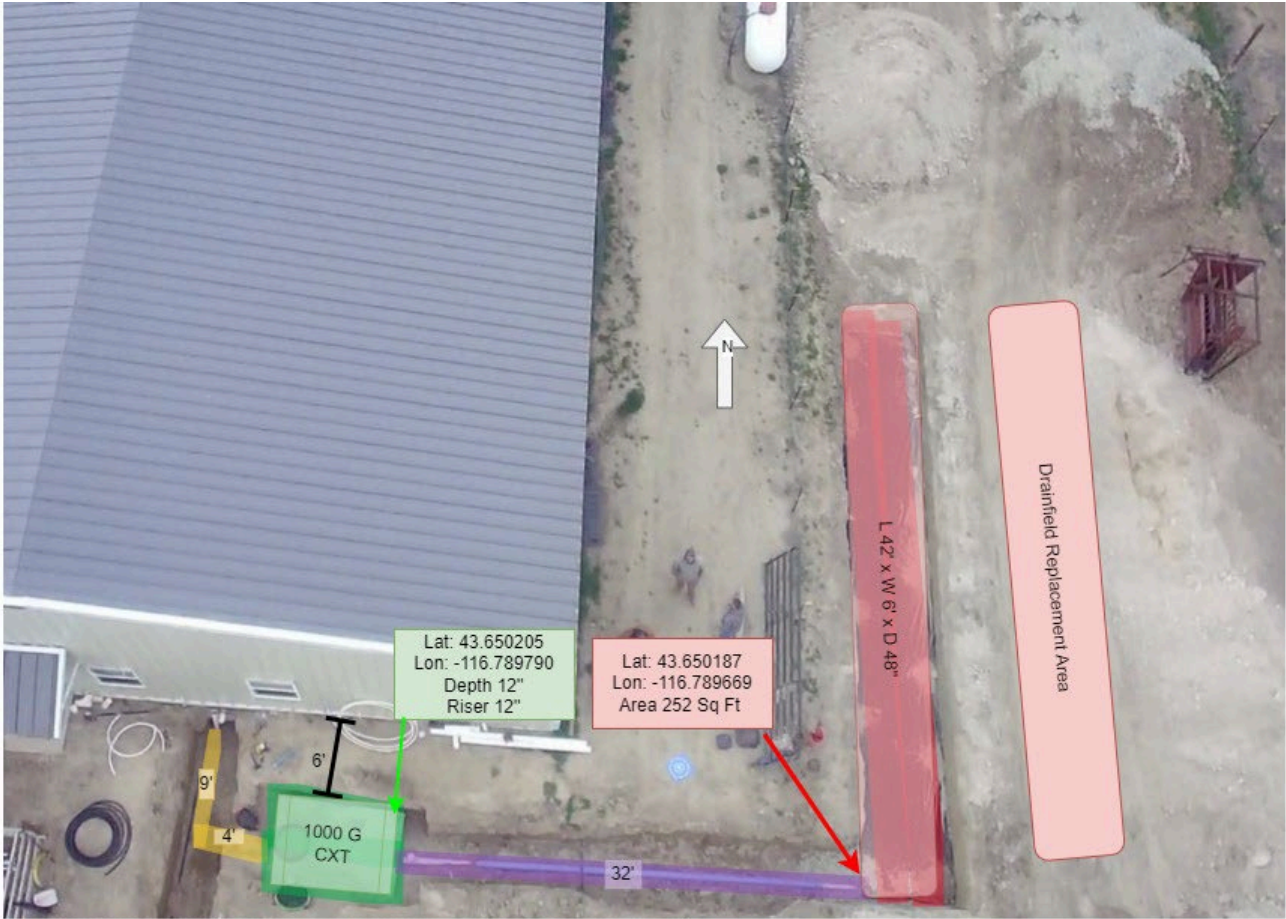
Well 78' to  
Tank 104' to  
DF



Legend	
Transfer-line from Dwelling/ Structure to Septic	
Tank Septic Tank Information	
Transfer-line from Tank to Drainfield	
Drainfield Information	
Well Information	



Well > 200' to Tank & DF

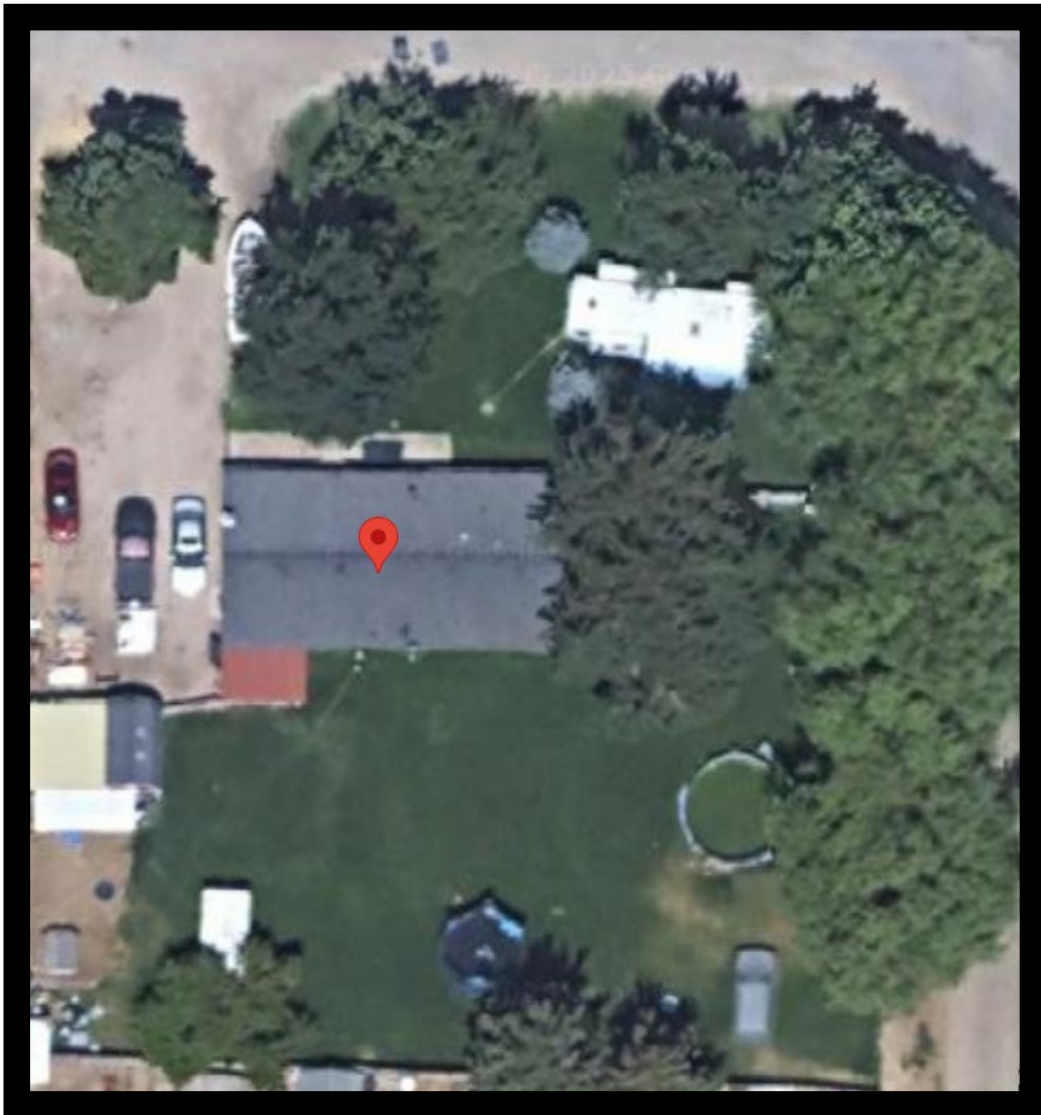


Legend	
Transfer-line from Dwelling/ Structure to Septic	
Tank Septic Tank Information	
Transfer-line from Tank to Drainfield	
Drainfield Information	
Well Information	



# Historical Slide

# Final As Built from 1970's



TA-37118 CANTON COUNTY BOARD OF HEALTH  
INDIVIDUAL SEWAGE DISPOSAL INSTALLATION PERMIT DATE 10-28-70

INSTALLATION FOR McDermott House AT 1/2 mile east on Gray Lane  
(name) (location, lot, blk. or street)

TOTAL NUMBER		FHA <input type="checkbox"/> VA <input type="checkbox"/> CONY <input type="checkbox"/>	WATER SUPPLY	
Living Units <u>3</u>	Bedrooms <u>3</u>	REN <input checked="" type="checkbox"/> EXISTING <input type="checkbox"/>	PUBLIC <input type="checkbox"/> Private <input checked="" type="checkbox"/>	
Septic Tank <u>720 gal.</u>	Seepage Pit <input type="checkbox"/> Field Drain <input type="checkbox"/> Modified Field Drain <input checked="" type="checkbox"/>	Absorption Bed <input type="checkbox"/>		
Make or Dimensions <u>720 gal.</u>		Square Footage (effective area)		

DISTANCE OF INSTALLATION FROM  
Property Lines: front 25 ft. back 25 ft. side 25 ft. well 50 ft. Canals or ditches  
Foundation 25 ft. Nearest adjacent well 5 ft. Special construction conditions

Paid ☒ BILL ☐ No fee ☐

APPLICANT Dick Vancor SIGNATURE Dick Vancor  
ADDRESS Kidwell

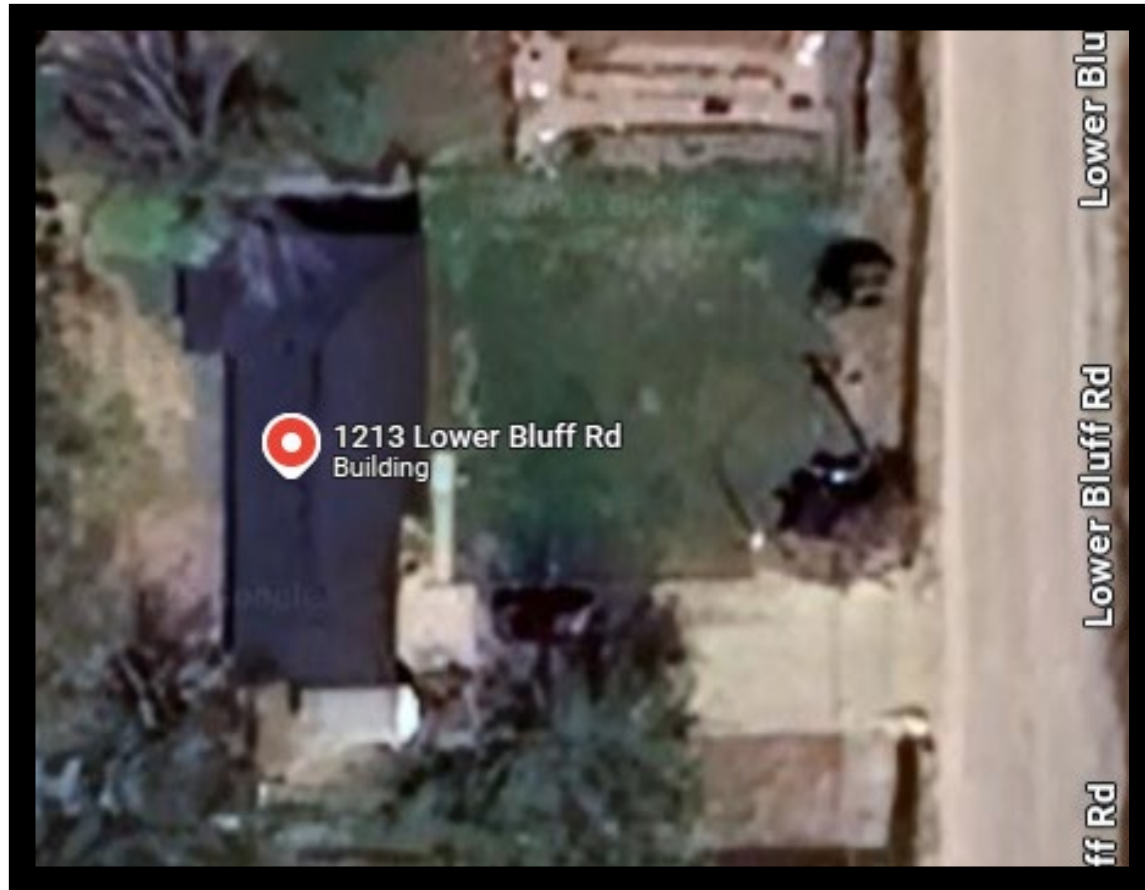
ON HOUSE, PROPOSED SEWAGE DISPOSAL LAYOUT AND ALL ADJACENT WELLS

18 yds gravel

INSPECTED 10-28-70 DATE 10-28-70 BY Samuel Whelan SANITARIAN  
APPROVED ☒ NOT APPROVED ☐  
CC 41428



# Final As Built from 1980's



SOUTHWEST DISTRICT HEALTH DEPARTMENT  
INDIVIDUAL SUBSURFACE DISPOSAL FORM

Installation shall comply with all requirements of Health District and/or State of Idaho Sewage Disposal Rules, Regulations and Standards.  
2. 32811

Application: NENE 6 T/NRIW

Name H.W. Rugg Legal Description 1213 Lower Bluff Rd. Emmet, ID.

Address 1213 Lower Bluff Rd. Emmet, ID. Site Location Diagram showing location & dimensions

New ☐ Replacement ☒ Lot size 13 ac

Funding: Govt. ☐ Covent. ☐ Other ☒

# of bedrooms 3 Septic tank Exst gal.

Effective area 300 sq. ft.

Type: Trench ☒ Bed ☐ Pit ☐ R.S. ☐ Mod. ☐

Percolation rate 10 min./inch

Soil profile provided

Static water table depth  ft.

Depth to lava  ft.

Water supply: Private ☒ Public ☐

Installer City of Emmet

Applicants signature H.W. Rugg

For Health Dept. Use Only

Permit issued ☒ by: Robert S. Hays Date: 8/27/84

Inspection report: OK #155 ps. 8/27/84

Bill ☐ Pd. ☒ Rect. # 23484 No fee ☐

Billing address

Septic tank Exst gal. Manfg.

Stand pipe 3' Manhole depth 9 inches

Absorption area & dimensions (be other than above) (sidewall) 50x3 = 150x2 = 300

Gravel  yds. Depth under pipe 3 ft./in.

Depth to pipe 8 ft./in.

Installer City of Emmet

Inspected by Robert S. Hays

Complies with minimum requirements ☒

Date 9/6/84

Remarks: Call for imp. when line is in place

Additional drainfield  
50' x 3' x 3' wide trench  
with 3" of gravel rock under  
line - add on to existing  
distribution of flow to  
new drainfield.

SWDED 4/83-500

# Final As Built from 1990's



**Southwest District Health Department** 122966  
 920 Main Street  
 Caldwell, Idaho 83605  
 (208) 455-5400 • FAX (208) 454-7722

For Office Use Only  
 Document Number **13238**

Site Eval. Charge Permit Fee **\$100**  
 Receipt # **18959**  
 Date **7-22-97**

Legal Description **T2N R1W Sec 5 (Parcel 1)**  
 Site Location: **S. on Southside to Greenhurst E. on Greenhurst past Robinson on Southside of Road 6th Street**

**INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL APPLICATION/PERMIT**  
**TEC-13191**

Property Owner **Bill Grenz**  
 Property Address **6819 Greenhurst**  
 City **Nampa** County **1400**  
 Phone **414-0917**

Applicant Signature **[Signature]**  
☒ New ☒ Replacement Lot Size **2.998 Acres**  
 # of Bedrooms **3** Flow **250** Gal.  
 Septic Tank **1000** Eff. Area **417** Sq. Ft.  
 Type Dwelling **S** Type System **A**  
 Soil Texture Classification **B**

Test Hole Evaluation Results:  
**139' in total, 3' wide**

**Stay at least 4' above water**

Drainfield Distance from Adjacent Wells **100'**  
 Distance to Temporary Surface Water **200'**  
 Distance to Permanent Surface Water **2300'**  
 Static Water Table Depth **6'**  
 Licensed Installer **Chet Propper**  
 Site Evaluation Inspection **[Signature]** Date **7-24-97**

The size of the drainfield was determined at the time of the site inspection.

Septic Tank **1000** gal. Mfr. **Procast**  
 Standpipe **480** 18" Ins.  
 Absorption area: **6** sq. ft.  
 Dimensions: Width **6** ft. Length **80** ft.  
 Coped: **30** yds Depth under pipe **8** ft.  
 Sand: **80** yds Well installed **Yes**  
 Depth to pipe **100** ins. Dist. to well **100** ft.

Licensed installer **Draper 8039**  
 Final EHS Approval **[Signature]** Date **9-10-97**

Date **7-24-97**  
 Travel **0.20**  
 Inspect **0.30**

Permit Issued **[Signature]** Date **7-24-97**  
 EHS Signature Date  
 This application must be signed by a licensed Environmental Health Specialist before it is considered a valid permit.  
 This application will expire 12 months from the application date unless renewed. Two renewals are allowed.

**Greenhurst**

**Well**

**Home**

Remarks: **Break through caused layer & back fill with 3" AC+M - c33 sand**

NOTE: This is not a building permit, a building permit may be required by the County or City.

SEP 12 1997



# Final As Built from 2019



FRIDAY LATE

## FINAL/AS-BUILT — Subsurface Sewage Disposal

**SOUTHWEST DISTRICT HEALTH**  
13307 Miami Lane  
Caldwell, ID 83607 (208) 455-5400

Permit #: **245309**  
Date Rcvd: **3-14-19**  
Parcel #: **29971010**

Applicant's Name: **William M. Spencer**  
 Owners Name: **same**  
 Property Address: **6619 Bennett Rd.**  
 Legal Description: **Nampa 83607**  
 Subdivision: **N/A** Township: **2N** Range: **2W** Section: **36**  
 As-built (not to scale) Lot: **2.89**

3/22/2019

System Type:	Gravel (yards):
GRAVELLESS PIPE	0
System Mfg:	Sand (yards):
INFILTRATOR	0
Septic/Trash Tank (Gals):	Installation Depth (inches):
EXISTING 1000	36
Septic/Trash Tank Mfr:	Rock Under Pipe (inches):
UNKNOWN	0
Depth to Tank Lid (inches):	Date System Installed:
24	3/22/2019
Standpipe/Riser (inches):	Riser Longitude:
N/A	N 116°
Pump Tank (gallons):	Riser Latitude:
N/A	N 43°
Pump Tank Mfg:	Well Installed:
N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Drainfield Width (ft):	Distance to Tank (ft):
2 @ 3'	= 7.50 OK
Drainfield Length (ft):	Distance to Drainfield (ft):
2 @ 85	= 7.100 @ 130'
Drainfield Area Installed (sq ft):	Valve:
510	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Effective Area (sq ft):	Dist-Box:
680	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Drop-Box:
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

SOUTHIDE

Technical Allowance Granted ☐ Yes ☒ No  
 Comments: **NONE**

Notes/Conditions of Approval: **NONE**

Installer Name: **TILIPALB 13**  
 Installer Phone: **?**  
 Installer Number: **46592**

Signature: **X [Signature]**  
 Date: **3/22/19**

By signing above, I certify that all answers and statements on this Final/As-built are true and complete to the best of my knowledge.

OFFICIAL USE ONLY

☒ As-Built provided by EHS ☐ As-Built provided by Installer

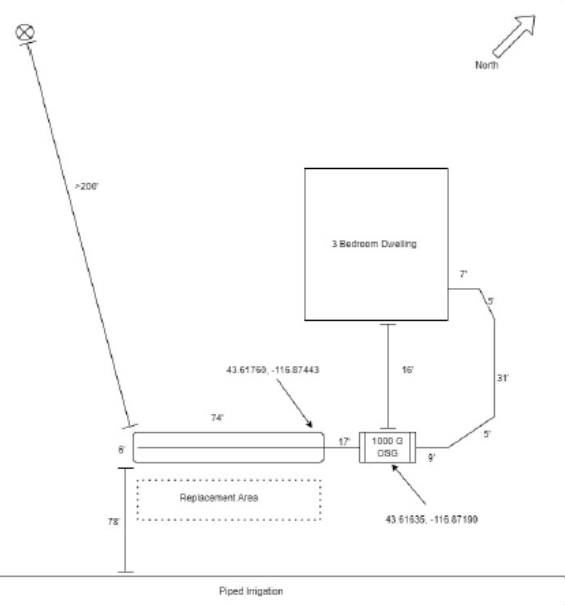
DATE	3/22/2019		
TRAVEL	40		
INSPECT	140		
EHS	2		

**[Signature]**  
 EHS Final Inspection Signature  
**27** **3/22/2019**  
 EHS Code Date

Revision Date: 04/2015

# Final As Built from 2023

- Hand drawn converted into Draw.io

Property Address: 21057 Homestead Rd - Miami ID 83607		Ready: 13307 Miami Ln Caldwell ID 83607																																																
Legal Description:		Township: 3N	Range: 5W	Section: 12																																														
Size (Acres): 6.45																																																		
		<table border="1"><tr><td>System Type:</td><td>Gravel (Yards):</td></tr><tr><td>Gravel Drainfield</td><td>16.4</td></tr><tr><td>System Mfg:</td><td>Sand (Yards):</td></tr><tr><td></td><td>N/A</td></tr><tr><td>Septic/ Trash Tank (Gal):</td><td>Installation Depth (Inches):</td></tr><tr><td>1000</td><td>48</td></tr><tr><td>Septic/ Trash Tank Mfr:</td><td>Date Installed:</td></tr><tr><td>OSG</td><td>Date Installed: 07-14-20</td></tr><tr><td>Depth to Tank Lid (inches):</td><td>Rock Under Pipe (Inches):</td></tr><tr><td>18</td><td>6</td></tr><tr><td>Standpipe/ Riser (inches):</td><td>Riser Longitude:</td></tr><tr><td>N/A</td><td>43.61635</td></tr><tr><td>Pump Tank (gallons):</td><td>Riser Latitude:</td></tr><tr><td></td><td>-116.87190</td></tr><tr><td>Pump Tank (Mfg):</td><td>Well Installed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td></tr><tr><td>Drainfield Width (Ft):</td><td>Distance to Tank Ft: &gt;200</td></tr><tr><td>6</td><td>Distance to Drainfield (Ft): &gt;200</td></tr><tr><td>Drainfield Length (Ft):</td><td>Valve: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td></tr><tr><td>74</td><td>Dist-Box: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td></tr><tr><td>Drainfield Area Installed ( Sq. Ft.):</td><td>Drop-Box: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td></tr><tr><td>444</td><td></td></tr><tr><td>Effective Area (Sq. Ft.):</td><td></td></tr><tr><td>444</td><td></td></tr></table>			System Type:	Gravel (Yards):	Gravel Drainfield	16.4	System Mfg:	Sand (Yards):		N/A	Septic/ Trash Tank (Gal):	Installation Depth (Inches):	1000	48	Septic/ Trash Tank Mfr:	Date Installed:	OSG	Date Installed: 07-14-20	Depth to Tank Lid (inches):	Rock Under Pipe (Inches):	18	6	Standpipe/ Riser (inches):	Riser Longitude:	N/A	43.61635	Pump Tank (gallons):	Riser Latitude:		-116.87190	Pump Tank (Mfg):	Well Installed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Drainfield Width (Ft):	Distance to Tank Ft: >200	6	Distance to Drainfield (Ft): >200	Drainfield Length (Ft):	Valve: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	74	Dist-Box: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Drainfield Area Installed ( Sq. Ft.):	Drop-Box: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	444		Effective Area (Sq. Ft.):		444	
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Comments:		All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into and may be enforceable as part of the permit.																																																
Homeowner Install		Signature: _____ Date: 07/18/2023																																																
By signing above, I certify that all answers and statements on this Final As-built are true and complete to the best of my knowledge. OFFICIAL USE ONLY																																																		
<input checked="" type="checkbox"/> As-Built provided by EHS		Brandon Van Slochteren EHS Final Inspection Signature																																																


Permit #: 014124

07/18/2023

# Final As Built 2024



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FINAL/AS-BUILT - Subsurface Sewage Disposal		
 Public Health Main Public Health Districts	<b>SOUTHWEST DISTRICT HEALTH</b> 13307 Miami Lane Caldwell, Idaho 83607 (208) 455-5300	Permit #: 018228 Date Recd: 04/09/2024 Parcel #: 258701170
	Owners Name: Sean Hackett Property Address: 14446 Silver Creek Rd Caldwell ID 83607	
Legal Description: Township: 4N Range: 3W Section: 10		Size (Acres): 1.64
Notes/ Conditions of Approval:		
System Type: Gravel Drainfield		Gravel (Yards): 22.5
System Mfg: N/A		Land (Yards): N/A
Septic Tank (Gal): 1000		Installation Depth (Inches): 48
Septic Tank Tank Mfr: Existing		Date Installed: 04-09-2024
Depth to Tank Lid (Inches): N/A		Rock Under Pipe (Inches): 6
Groundpipe Rise (Inches): N/A		Riser Longitude: +116.682465
Pump Tank (gallons): N/A		Riser Latitude: 43.701485
Pump Tank (Mfg): N/A		Well Installed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Drainfield Width (Ft): 6		Distance to Tank (Ft): >50
Drainfield Length (Ft): 71		Distance to Drainfield (Ft): >100
Drainfield Area Installed (Sq. Ft.): 426		Valve: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Effective Area (Sq. Ft.): 426		Dist-Box: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		Drop-Box: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into and may be enforceable as part of the permit.		
Technical Allowance Granted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Comments:		
Installer Name: JDM Construction Installer Number: 1-3024		Signature: _____ Date: 04/09/2024
By signing above, I certify that all answers and statements on this Final As-built are true and complete to the best of my knowledge. OFFICIAL USE ONLY		
<input checked="" type="checkbox"/> As-Built provided by EHS <input type="checkbox"/> As-Built provided by Installer		<i>Brandon VanSlochteren</i> EHS Final Inspection Signature 077 EHS Code      04/09/2024 Date
Permit #: 018228		04/09/2024

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**National Association of County & City Health Officials (NACCHO)  
Model Practices Program**

***2025***

***Enhancing Septic System Documentation Through  
the Integration of Drone Technology***

### **Interagency Contract Between the City of Nampa and Southwest District Health**

Whereas the State of Idaho has divested the Idaho Department of Health and Welfare from regulation and inspection of public swimming pools; and,

Whereas failure to properly maintain public and commercial swimming pools, hot tubs, splash pads and similar devices can cause significant negative health effects on the public; and,

Whereas the City of Nampa has adopted Ordinance Number #####, pertaining to the regulation and inspection of public and commercial swimming pools, hot tubs, splash pads and similar devices; and,

Whereas Southwest District Health has in the past been delegated by the Idaho Department of Health and Welfare to perform inspections of public swimming pools within the counties of the District, and has experienced personnel available to inspect pools and educate owners of such pools and the public as to proper sanitation and maintenance of pools, hot tubs, splash pads and similar devices; and,

Whereas the City of Nampa and Southwest District Health agree that it is in the interest of public health and safety to undertake joint efforts to regulate and inspect public and commercial pools, hot tubs, splash pads, and similar devices; and,

Whereas Idaho Code § 67-2332 expressly encourages public entities to contract to jointly perform government service in the interest of the public; therefore,

The City of Nampa, by and through its Mayor and City Council, and Southwest District Health, by and through its Board of Health Trustees, hereby agree to an Interagency Contract as follows:

- 1) The City of Nampa hereby delegates to Southwest District Health the authority and duty to ~~annually~~ inspect public and commercial swimming pools and similar devices as defined in Ordinance ##### within the city, for compliance with the terms of the Ordinance; and to further inspect public and commercial swimming pools and similar devices when notified of a potential health or safety hazard created by a violation of the Ordinance; to notify owners of such swimming pools and similar devices of violations of the Ordinance; and to order the temporary closure of such swimming pools and similar devices, when in the judgment of the District the public health or safety is immediately threatened by the continuing operation of the swimming pool or similar device.
- 2) Southwest District Health agrees to undertake the responsibility to provide personnel to annually inspect public and commercial swimming pools and similar devices as defined in Ordinance ##### within the city, for compliance with the terms of the Ordinance; and to

further inspect public and commercial swimming pools and similar devices when notified of a potential health or safety hazard created by a violation of the Ordinance; to notify owners of such swimming pools and similar devices of violations of the Ordinance; and to order the temporary closure of such swimming pools and similar devices, when in the judgment of the District the public health or safety is immediately threatened by the continuing operation of the swimming pool or similar device.

- 3) The parties agree that Southwest District Health will adopt a fee for annual inspections that will cover the cost of its duties as described herein.
- 4) Southwest District Health agrees to notify the City of Nampa's code enforcement personnel of any notice of violation of the Ordinance, or any order of temporary closure.
- 5) The parties agree that either party may withdraw from and terminate this agreement without cause upon written thirty-days-notice to the other party.
- 6) The parties agree that this agreement will be in effect for one year from the date of the adoption of this agreement, and will automatically renew annually, unless one of the parties withdraws from the agreement.
- 7) The City will not be responsible for the acts of the District, its employees or agents.
- 8) The District will not be responsible for the acts of the City, its employees or agents.
- 9) Each party will maintain liability insurance or will self-insure under Idaho law.

Signature page





## Treated Recreational Water Inspection Program Plan Review Fee

Type	Category/Duties	Personnel Name/ Description	Hours	Miles	Rate	Totals:
Personnel	Entering, payments, renewals, permit printing, etc.	Front Office	2.0		\$19.00	\$38.00
	Conducting inspections, consultations, complaint investigations, report writing, education, etc.	EHS Specialist	10.0		\$30.00	\$300.00
	Program manager	Over-site	1.0		\$41.00	\$41.00
	Administration		0.3		\$55.00	\$13.75
	Indirect		Enter Indirect Rate: -->		25.00%	\$112.69
	Fringe		Enter Fringe Rate: -->		46.00%	\$180.67
Operating						
	Communication costs, office equipment lease, printing, computer services/supplies, office supplies, operating				\$50.00	\$50.00
Travel	Mileage cost			15	\$0.535	\$8.03
Personnel Total		\$392.75			Total:	\$744



## Treated Recreational Water Inspection Program Permit Fee

Type	Category/Duties	Personnel Name/ Description	Hours	Miles	Rate	Totals:
Personnel	Entering, payments, renewals, permit printing, etc.	Front Office	2.0		\$19.00	\$38.00
	Conducting inspections, consultations, complaint investigations, report writing, education, etc.	EHS Specialist	5.0		\$30.00	\$150.00
	Program manager	Over-site	1.0		\$41.00	\$41.00
	Administration		0.3		\$55.00	\$13.75
	Indirect		Enter Indirect Rate: -->		25.00%	\$75.19
	Fringe		Enter Fringe Rate: -->		46.00%	\$111.67
Operating						
	Communication costs, office equipment lease, printing, computer services/supplies, office supplies, operating				\$50.00	\$50.00
Travel	Mileage cost			15	\$0.535	\$8.03
<b>Personnel Total</b>		\$242.75			<b>Total:</b>	<b>\$488</b>

## CONFIDENTIAL LEGAL MEMORANDUM

**DATE:** May 16, 2025

**TO:** Russ Duke, Central District Health (MKA File # 1488)  
Nikki Zogg, Southwest District Health (MKA File #1300)  
James Corbett, Eastern Idaho Public Health (MKA File #719)

**FROM:** Michael Kane

**RE:** Effects of HB 135 As It Applies to Aspects of the Health Districts

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**Notice:** This is confidential legal research, advice, and work product governed by the Attorney-Client Privilege and the Attorney Work Product Doctrine. This information is not intended or permitted to be used for public disclosure and is intended solely for confidential use.

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You have asked for an opinion on the effects of HB 135 as it applies to aspects of the Health Districts. Because section 1 of the bill only applies to state entities, I will focus upon section 2, newly amended § 67-7903.

In beginning the analysis, it should be noted that the original version of § 67-7903, first passed in 2007, and amended in four subsequent legislative sessions, largely mirrored 8 U.S.C. § 1621, which is entitled “Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits.” This federal law, as can be seen by the title, is designed to cover local entities such as health districts. The reason Congress passed laws that apply to aliens as they are treated by state entities is that the courts have held that federal law has preempted the entire field of law of immigration. “Where Congress occupies an entire field, as it has in the field of alien registration, even complementary state regulation is impermissible. Field preemption reflects a congressional decision to foreclose any state regulation in the area, even if it is parallel to federal standards.” *Arizona v. United States*, 567 U.S. 387, 401 (2012).

The U.S. government restricts noncitizens’ access to public benefits through 8 U.S.C. 1621, which sets eligibility limits based on immigration status. Enacted as part of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, the law aims to allocate public resources based on legal status while considering humanitarian concerns. It distinguishes between different categories of noncitizens, outlines available benefits, and provides exceptions in certain cases.

CONFIDENTIAL LEGAL MEMORANDUM

To: Russ Duke; Nikole Zogg; James Corbett

From: Michael Kane

Re: *Effects of HB 135 as It Applies to Aspects of the Health Districts*

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Idaho Code § 67-7903 is part of Chapter 79, Title 67, which consists of three separate sections passed simultaneously. Left untouched since 2007 is the statement of legislative findings and the definitional section.

*67-7901. LEGISLATIVE FINDINGS. (1) The legislature hereby finds and declares that it is the public policy of the state of Idaho that all persons eighteen (18) years of age or older shall provide proof that they are lawfully present in the United States prior to receipt of certain public benefits.*

*(2) The intent of the legislature is not to regulate immigration but to control public expenditures for certain public benefits, not inconsistent with federal law.*

*67-7902. DEFINITIONS. As used in this chapter:*

*(1) "Emergency medical condition" shall have the same meaning as provided in 42 U.S.C. section 1396b(v)(3).*

*(2) "Federal public benefit" shall have the same meaning as provided in 8 U.S.C. section 1611(c).*

*(3) "State or local public benefit" shall have the same meaning as provided in 8 U.S.C. section 1621(c).*

As can be seen from § 67-7901, it was not the intent of the legislature to act inconsistently with federal law. As can be seen from § 67-7902, it was the intent of the legislature to rely upon federal law for basic definitional language.

The first question that has been raised is what is meant by the term “public benefit.” Fortunately, the answer is in federal law under § 67-7902. Unfortunately, federal law is somewhat convoluted.

***8 U.S.C. section 1621(c) "State or local public benefit" defined***

*(1) Except as provided in paragraphs (2) and (3), for purposes of this subchapter the term "State or local public benefit" means—*

*(A) any grant, contract, loan, professional license, or **commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government**; and*

*(B) any retirement, welfare, **health**, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or **assistance** are **provided** to an individual, household, or family eligibility unit **by an agency of a State or local government or by appropriated funds of a State or local government**.*

CONFIDENTIAL LEGAL MEMORANDUM

To: Russ Duke; Nikole Zogg; James Corbett

From: Michael Kane

Re: *Effects of HB 135 as It Applies to Aspects of the Health Districts*

Date: May 16, 2025

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*(2) Such term shall not apply—*

*(A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States, or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99–239 or 99–658 (or a successor provision) is in effect;*

*(B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] qualified for such benefits and for whom the United States under reciprocal treaty agreements is required to pay benefits, as determined by the Secretary of State, after consultation with the Attorney General; or*

*(C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States.*

*(3) Such term does not include any Federal public benefit under section 1611(c) of this title.*

Hence, any health assistance by a local government, and any commercial permitting by a local government to an illegal alien (as opposed to legal aliens) is a public benefit.

However, 8 U.S.C. section 1621(c) is immediately preceded in the statute by the following:

***(a) In general***

*Notwithstanding any other provision of law and except as provided in subsections*

*(b) and (d), an **alien who is not—***

*(1) **a qualified alien** (as defined in section 1641 of this title),*

*(2) a nonimmigrant under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], or*

*(3) an alien who is paroled into the United States under section 212(d)(5) of such Act [8 U.S.C. 1182(d)(5)] for less than one year,*

*is not eligible for any State or local public benefit (as defined in subsection (c)).*

***(b) Exceptions***

*Subsection (a) shall not apply with respect to the following State or local public benefits:*

*(1) **Assistance for health care items and services that are necessary for the treatment of an emergency medical condition** (as defined in section*

CONFIDENTIAL LEGAL MEMORANDUM

To: Russ Duke; Nikole Zogg; James Corbett

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Re: *Effects of HB 135 as It Applies to Aspects of the Health Districts*

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*1396b(v)(3) of title 42) of the alien involved and are not related to an organ transplant procedure.*

*(2) Short-term, non-cash, in-kind emergency disaster relief.*

*(3) **Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.***

*(4) **Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (A) deliver in-kind services at the community level, including through public or private nonprofit agencies; (B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (C) are necessary for the protection of life or safety.***

So, under federal law, illegal aliens may receive state public benefits in the form of emergency treatment and for immunization and treatment of communicable disease.

HB 135 amended part of § 67-7903 as follows:

*67-7903. VERIFICATION OF LAWFUL PRESENCE-- EXCEPTIONS-- REPORTING.*

*(1) Except as otherwise provided in subsection (3) of this section ~~or where exempted by federal law~~, each agency or political subdivision of this state shall verify the lawful presence in the United States of each natural person eighteen (18) years of age or older who applies for state or local public benefits or for federal public benefits for the applicant.*

*(2) This section shall be enforced without regard to race, religion, gender, ethnicity or national origin.*

*(3) Verification of lawful presence in the United States shall not be required:*

*~~(a) For any purpose for which lawful presence in the United States is not required by law, ordinance or rule;~~*

*~~(b)~~ (a) For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and that are not related to an organ transplant procedure;*

*~~(c)~~ (b) For short-term, noncash, in-kind emergency disaster relief; or*

*~~(d) For public health assistance for immunizations with respect to immunizable diseases and testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;~~*

CONFIDENTIAL LEGAL MEMORANDUM

To: Russ Duke; Nikole Zogg; James Corbett

From: Michael Kane

Re: *Effects of HB 135 as It Applies to Aspects of the Health Districts*

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~~(e)(c) For programs, services, or assistance, such as soup kitchens, crisis counseling and intervention and short-term shelter specified by federal law or regulation at short-term shelters that:~~

~~(i) Deliver in-kind services at the community level, including services through public or private nonprofit agencies;~~

~~(ii) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and~~

~~(iii) Are necessary for the protection of life or public safety.~~

~~(f) For prenatal care;~~

~~(g) For postnatal care not to exceed twelve (12) months; or~~

~~(h) For food assistance for a dependent child under eighteen (18) years of age.~~

It is not clear what the drafters were attempting to accomplish by eliminating the language in sections 1 and 3(a). If the attempt was to exalt state law over federal law as to immigration, that intent conflicts with § 67-7901 and the federal preemption of immigration doctrine as set out in federal cases. This would almost certainly be determined to be unconstitutional under federal law.

As for the elimination of former section (d), pertaining to communicable diseases, the following is noted. The eliminated language is word for word identical to 8 U.S.C. § 1621(b)(3). So, if the intent of the legislature was to prevent treatment and immunization against tuberculosis, measles, smallpox, sexually transmitted diseases, HIV, and other communicable diseases by health districts, that attempt conflicts with 8 U.S.C. § 1621(b)(3), which explicitly applies to state and local agencies. In other words, the fact that the language is absent in state law does not mean that federal law that expressly allows communicable disease treatment to illegal aliens is no longer valid.

The same logic applies to the elimination of language in former section (e). If the state legislature intended to deny crisis counseling to illegal aliens, it cannot have eliminated federal law applicable to local governments that contemplates delivery of such services.

Another way to consider treatment of communicable disease is to look to the definition of emergency care. The Idaho legislature did not remove emergency treatment from § 67-7903. § 67-7902 refers to federal law for the definition of emergency care. Federal law reads as follows:

*(3) For purposes of this subsection, the term "emergency medical condition" means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in— (A) placing the patient's health in serious jeopardy, (B) serious impairment to bodily functions, or (C) serious dysfunction of any bodily organ or part.*

CONFIDENTIAL LEGAL MEMORANDUM

To: Russ Duke; Nikole Zogg; James Corbett

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This definition would apply to communicable diseases. Hence, if one was to take a narrow view and assert that treatment of communicable disease for illegal aliens has been eliminated under § 67-7903(d), it most certainly has not been eliminated under § 67-7903(a).

Pre- and post-natal care, and food assistance programs are not spoken about in 8 U.S.C. § 1621. Hence, the elimination of such programs to illegal aliens are not in conflict with that federal statute.

On April 24, 2025, the US Secretary of Agriculture issued a directive to state agencies requiring them to enhance identity and immigration verification practices when determining eligibility for the Supplemental Nutrition Assistance Program (SNAP). H135 is in line with this approach.

The Special Supplemental Nutrition Program for [Women, Infants, and Children \(WIC\)](#) [has generally been available to undocumented immigrants](#). However, states can choose to ban WIC to undocumented immigrants. The Code of Federal Regulations states that a state may limit WIC to legal residents of the U.S. If it does so, the state would have to notify the federal government in its annual plan how it will enforce this limitation. Idaho appears to be the first state to go down this path. It will undoubtedly cite the new statute as the new methodology. Expect that to happen when the next plan is put before the federal government.

It has been asserted that § 67-7903 can be applied to legal immigrants, i.e. those without social security numbers. The Social Security Administration states on its website: “*Lawfully present* noncitizens of the United States who meet all eligibility requirements can qualify for Social Security benefits.” Moreover, the Statement of Purpose to H 135, though only advisory, makes it clear that the bill only applies to illegal aliens.

In summary, I conclude the following:

Anyone that cannot provide proof of legal residence must be denied any sort of commercial permit, including food permits. This has been the law since 2007.

After July 1, 2025, anyone who cannot provide proof of legal residence must be denied food or supplemental nutrition assistance under SNAP, WIC, or similar program.

Anyone who needs immediate crisis care, emergency care, or treatment for communicable disease, including immunization, must be afforded the care irrespective of legal status. Failure to provide such care will subject the health district to civil rights liability under 42 U.S.C. § 1983.

A final point: There are no civil or criminal penalties set out for violation of Title 67, Chapter 79 by a health district or similar entity. This means that if an illegal alien somehow slips through a crack and is given a permit or treatment, the district cannot be held liable.



CONTRACT FOR SERVICES  
Between  
SOUTHWEST DISTRICT HEALTH and NIKOLE ZOGG

This contract is entered into between the Southwest District Health (Public Health District 3) Board of Health, hereinafter referred to as "Board", and Nikole Zogg, hereinafter referred to as "Zogg", to engage the services of Zogg as the Director of Southwest District Health.

It is agreed by and between the Board and Zogg as follows:

- I. EMPLOYMENT: Subject to the provisions herein set forth, Zogg is appointed as the Secretary and administrative officer of the Board and shall be appointed and employed as the Director of Southwest District Health in accordance with Idaho Code 39-413. Zogg is a salaried, at-will, Fair Labor Standards Act (FLSA) non-covered, exempt employee who shall devote such time as is required to complete her tasks as Director in a timely fashion. It is understood that Zogg may be required to devote more than 40 hours per week to complete said tasks and will do so without expectation of additional compensation beyond that set forth in this document or amendments thereto.
2. DUTIES: In addition to those functions specified in Idaho Code 39-413, Zogg is also to perform the duties customarily and routinely expected of a Chief Executive Officer, or an agency director and appointing authority as defined in Idaho Code. Those duties include, but are not limited to, ensuring District compliance with Title 39, Chapter 4, Idaho Code and other applicable Code sections, rules, contracts, and agreements; establish District executive operating procedures, policies, and protocols; determine and establish an organizational structure to fit the changing operational needs of the agency; exercise employee hiring and termination authority; determine and approve pay rates and promotions; maintain oversight of operating, personnel, and capital budgets; and, represent the Health District in the media, at public forums, and before the legislature and other governmental bodies. Further, to facilitate the timely handling of day-to-day District business, the Board hereby, and with this contract document, delegates to Zogg the authority to exercise on the Board's behalf the following duties outlined in Idaho Code 39-414, Powers and duties of the Board: 39-414(1), administer and enforce all state and district health laws, regulations, and standards; 39-414(4), enter into mutually voluntary contracts with other governmental or public agencies whereby the district agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the cost of rendering such services; 39-414(5), ensure money or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division or sub-account of the public health district fund authorized by 39-422 Idaho Code; 39-414(8), enter into contracts with other governmental agencies as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district; 39-414(10), accept, receive and utilize any gifts, grants, or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in Title 39, Chapter 4; 39-414(11), recalculate and set a fee, higher or lower, for a fee previously approved and inserted into the District Fee Schedule by the Board when the cost to the District of any element of that fee is increased or decreased by a vendor. Fees for new services or procedures will be brought before the Board for approval prior to implementation; 39-414(13), administer and certify solid waste disposal site operations, closure, and post closure procedures established by statute or regulation in accordance with the provisions of Title 39, Chapter 74, Idaho Code, in a manner equivalent to the site certification process set forth in 39-7408, Idaho Code.

NOTE: As the code sections cited herein are abbreviated summaries, the referenced sections of 39-414 are to be reviewed and used in the context of their entirety in the exercise of these delegated responsibilities. Zogg is also expected to perform all other functions and duties as from time to time may be prescribed by the Board or other controlling directives.

3. TERM OF EMPLOYMENT: The term of employment shall be for a period of one year commencing on May 21, 2024 and continuing through June 30, 2025. Either party may terminate this employment agreement by giving sixty (60) days written notice to the other party and upon the establishment of the reasons for