

RESOLUTION NO. 19 - 63

BONNER COUNTY SHERIFF'S OFFICE
Award Handgun, Badge and ID Card to
Detective Sergeant Gary Johnston Upon Retirement

WHEREAS, Idaho Code §31-830 provides for the awarding of the handgun, badge and Retirement ID upon retirement; and,

WHEREAS, Detective Gary John Johnston retired on January 15, 2019 from the Bonner County Sheriff's Office; and

WHEREAS, it is the wish of the Board to utilize said provision to show appreciation to Detective Sergeant Gary John Johnston for over twenty (20) years of dedicated service to Bonner County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Bonner County, Idaho, that Detective Sergeant Gary John Johnston be awarded his handgun (Glock model 23, 40 caliber, serial ABKC010US), his badge and a retired ID card under provisions stated in Idaho Code 31-830.

Adopted as a Resolution of the Board of Commissioners of Bonner County, Idaho on the 25th day of June, 2019.

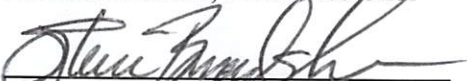
BOARD OF BONNER COUNTY COMMISSIONERS



Jeff Connolly, Chairman

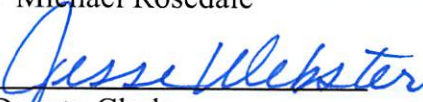


Dan McDonald, Commissioner



Steven Bradshaw, Commissioner

ATTEST: Michael Rosedale

By 
Deputy Clerk



Bonner County Sheriff's Office

4001 N Boyer Road • Sandpoint, ID 83864 • Phone: (208) 263-8417

June 25, 2019

Memorandum

SO
Item # 1

To: Board of County Commissioners

From: Sheriff Daryl Wheeler

Re: Resolution Awarding Detective Sergeant Gary Johnston his Handgun, etc.

Detective Sergeant Gary John Johnston had been employed by the Bonner County Sheriff's Office since October 23, 1990. In appreciation of his twenty-nine (29) years of service, and in accordance with Idaho Code 31-830, the Sheriff's Office would like to award his handgun (Glock 23, 40 caliber, serial/ABKC010US), badge and retired ID card to him upon retirement. He retired on January 15, 2019.

This Request and Resolution has been approved by:

Legal – Scott Bauer ✓ S.B.

A suggested motion would be: **Mr. Chairman based on the information before us, I move to approve Resolution #19- 63** authorizing Sheriff Wheeler to award Detective Sergeant Gary Johnston his handgun, badge and retired ID card.

Recommendation Acceptance: yes no

Jeff Connolly
Commissioner Jeff Connolly, Chairman

Date: 6-25-19

Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 8

POWERS AND DUTIES OF BOARD OF COMMISSIONERS

31-830. AWARD TO COUNTY SHERIFF OR DEPUTY COUNTY SHERIFF OF HIS HANDGUN AND BADGE UPON RETIREMENT. (1) A county sheriff who retires during or upon the completion of his term of office under the provisions of the public employee retirement system of Idaho or the county's retirement system, whether under disability retirement or otherwise, may, with the consent of the board of county commissioners, be awarded his handgun and sheriff's badge along with the identification card issued by the county sheriff's office. The identification card shall have "RETIRED" printed on it, shall have no fixed expiration date and shall be signed by the county sheriff.

(2) Upon recommendation of the county sheriff and with the consent of the board of county commissioners, a deputy county sheriff holding police officer member status under the public employee retirement system of Idaho pursuant to section 59-1303(3)(b)(ii), Idaho Code, or if the county by which he is employed does not participate in the system, who would qualify for such status under the provisions of that section if the county were a participant in the system, may, upon his retirement, be awarded his handgun and sheriff's badge along with the identification card issued by the county sheriff's office. The identification card shall have "RETIRED" printed on it, shall have no fixed expiration date and shall be signed by the county sheriff. The award shall be available to any deputy county sheriff, as described in this section, who leaves his employment with the county sheriff's office to retire under the provisions of the public employee retirement system of Idaho or the county's retirement system, whether under disability retirement or otherwise.

History:

[31-830, added 1991, ch. 19, sec. 1, p. 42; am. 2018, ch. 93, sec. 1, p. 199.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

TITLE 59

PUBLIC OFFICERS IN GENERAL

CHAPTER 13

PUBLIC EMPLOYEE RETIREMENT SYSTEM

59-1303. ADDITIONAL DEFINITIONS FOR POLICE OFFICER STATUS. (1) As used in this chapter, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) Police officer membership status for retirement purposes may be fixed only by law or by order of the retirement board.

(3) Members holding or filling the following positions or offices are designated by law as police officer members for retirement purposes during the time of their appointment to that position or during their term of office:

- (a)
 - (i) The director and deputy director of the Idaho state police.
 - (ii) Commissioned personnel of the Idaho state police holding positions which involve active law enforcement services, for which current POST certification is required to continue in employment in the position, POST training coordinators, and Idaho state police training coordinators.
 - (iii) Brand inspectors and brand inspector supervisors.
 - (iv) Employees of the Idaho state police serving in positions of personnel management, accounting, data processing, clerical services and in like general classifications found in departments throughout state government and not within the scope of active law enforcement service are not eligible for police officer member status.
- (b)
 - (i) County sheriffs;
 - (ii) Deputy county sheriffs holding positions for which current POST certification is necessary to continue in employment in the position, and the principal duties of which are active law enforcement service, accountability for the safety and safekeeping of persons confined in a county confinement facility, or active participation in county law enforcement activities pertaining to crime prevention or reduction. Deputy sheriffs, even though POST certified or required to be POST certified, holding positions whose principal full-time duties are those of a telephone operator, dispatcher, clerk, stenographer, animal control officer, records specialist, or duties not within the scope of active law enforcement service are not eligible for police officer member status. Deputy sheriffs that hold a current peace officer or detention officer certificate from the POST council that are promoted or hired to act in a supervisory capacity within a sheriff's office, that are not disqualified through disability from acting as peace officers or detention officers when called upon, shall not lose their police officer status as defined in this section.
- (c)
 - (i) City police chiefs;
 - (ii) City police officers holding positions for which current POST certification is necessary to continue in

employment in the position, and the principal duties of which are active law enforcement service or active participation in city law enforcement activities pertaining to crime prevention or reduction. Police officers, even though POST certified or required to be POST certified, holding positions whose principal full-time duties are those of a telephone operator, dispatcher, clerk, stenographer, animal control officer, records specialist, or duties not within the scope of active law enforcement service are not eligible for police officer member status. City police officers that hold a current peace officer or detention officer certificate from the POST council that are promoted or hired to act in a supervisory capacity within a city police department, that are not disqualified through disability from acting as peace officers or detention officers when called upon, shall not lose their police officer status as defined in this section.

(d) Employees of the department of fish and game serving in a conservation officer position for which current POST certification is necessary to continue in employment in that position and which position has as its primary accountability the enforcement of wildlife protection laws and regulations.

(e) (i) The director of the department of correction, the deputy director for probation and parole, and wardens of institutions;

(ii) Employees of the department of correction accountable for the custody, safety, safekeeping or supervision of persons confined in a department confinement facility and whose work station is located within the confinement facility;

(iii) Probation and parole supervisors, probation and parole investigators, and probation and parole officers;

(iv) Correctional peace officer training instructors;

(v) Employees of the department of correction serving in positions of personnel management, accounting, data processing, clerical services and in like general classifications found in departments throughout state government and not within the scope of active law enforcement service are not eligible for police officer member status.

(f) Employees of the adjutant general and military division of the state where military membership is a condition of employment.

(g) Magistrates of the district court; justices of the supreme court, judges of the court of appeals, and district judges who have made an election under section 1-2011, Idaho Code; and court employees designated by court order to have primary responsibility for court security or transportation of prisoners.

(h) Employees whose primary function requires that they are certified by the Idaho department of health and welfare as an emergency medical technician-basic, an advanced emergency medical technician-ambulance, an emergency medical technician-intermediate, or an emergency medical technician-paramedic.

(i) Criminal investigators of the attorney general's office, and criminal investigators of a prosecuting attorney's office.

(j) The director of security and the criminal investigators of the Idaho state lottery.

(4) A member may be designated by the retirement board as a police officer member for retirement purposes if the position held is

one in which the principal duties involve hazardous law enforcement duties.

(a) For purposes of this section, "hazardous law enforcement duties" means principal duties which:

(i) Will reasonably expect to increase the probability of early superannuation;

(ii) Are associated with life-threatening risk or present a position of peril either to the member or to others, or which can place the public safety in jeopardy; and

(iii) Either compel others to observe the law, pertain to crime prevention, or pertain to crime reduction, including police, courts, prosecution, correction, or rehabilitation.

(b) If continued employment in a position is conditioned on maintaining current POST certification, such condition shall be evidence to be considered that the employee is a police officer member for retirement purposes. After July 1, 1999, a requirement for POST certification for classified state employees may be made only by the administrator of the division of human resources pursuant to chapter 53, title 67, Idaho Code.

(c) Occasional assignments to hazardous law enforcement duties do not create a condition for designation as a police officer member for retirement purposes.

(5) Any employer or agency that believes that any employee, not specifically designated as a police officer by law, is incorrectly classified as a nonpolice officer member, may petition the retirement board for inclusion of that employee's position as one to be filled by a police officer member for retirement purposes. The petition shall be in writing and shall explain in detail the principal duties of the position and include written evidence which establishes that the criteria of subsection (4) are met. The board shall review the petition and evidence, together with such information and evidence as may be presented by the staff of the retirement system. The board may decide the matter based upon the information supplied, may request additional information, or may request an oral presentation before the board. The decision of the board shall be final, but a similar petition may be resubmitted after six (6) months.

(6) On and after July 1, 1985, no active member shall be classified as a police officer for retirement purposes unless the employer shall have certified to the board, on a form provided by the board, that such member is an employee whose primary position with the employer is one designated as such within the meaning of this chapter, and the board shall have accepted such certification. Acceptance by the board of an employer's certification shall in no way limit the board's right to review and reclassify the position for retirement purposes based upon an audit or other relevant information presented to the board.

(7) An active member classified as a police officer for retirement purposes whose position is reclassified to that of a general member for retirement purposes as a result of a determination that the position does not meet the requirements of this chapter for police officer status for retirement purposes shall become a general member but shall not lose retirement benefits earned and accrued prior to the reclassification. If that member continues to be employed in that same position until retired, that member then will be deemed to be a police officer member for the purposes of retirement eligibility.

History:

[59-1303, added 1985, ch. 84, sec. 2, p. 168; 1990, am. and redesignated, ch. 231, sec. 3, p. 617; am. 1990, ch. 276, sec. 1, p. 777; am. 1990, ch. 360, sec. 1, p. 970; am. 1995, ch. 116, sec. 29, p. 413; am. 1998, ch. 126, sec. 5, p. 471; am. 1999, ch. 370, sec. 25, p. 1010; am. 2000, ch. 469, sec. 130, p. 1590; am. 2005, ch. 91, sec. 1, p. 308; am. 2015, ch. 181, sec. 1, p. 583.]

How current is this law?

Search the Idaho Statutes and Constitution