



Adams County Prosecuting Attorney

Christopher D. Boyd  
Prosecuting Attorney  
Adams County, Idaho

Main Reception: (208) 253-4141

Adams County Courthouse  
P.O. Box 604  
Council, ID 83612  
[prosecutor@co.adams.id.us](mailto:prosecutor@co.adams.id.us)

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OPINION MEMORANDUM FOR THE BOARD OF COMMISSIONERS

*In Re: Idaho Resident Employee requirements for the 2019 Preservation of Roads Project*

Idaho Code 44-1001 and 44-1002 as well as Adams County Contract language for this project requires at least 95% of employees be bona fide residents of Idaho. **The federal funding used for this particular project does not exempt bidders from this requirement, although Veteran's preferences will still apply.** We can expect that any bidding company, to include the Utah-based Geneva, will sign and comply with that requirement. If the contractor does sign our agreement as currently drafted, Adams County will not likely be liable for a contractor's future failure to comply so long as we make clear that this is a genuine requirement.

The mere fact that Geneva is a Utah-based company does not mean it cannot hire Idaho residents to work on this project. That is exactly what we will expect them to do as per our contract agreement. If Geneva does not follow through with that, then they are liable under I.C. 44-1004 which means they can be charged with a misdemeanor.

Very truly yours,

Christopher Boyd  
Prosecuting Attorney  
Adams County, Idaho