

## **COMMISSIONER MINUTES**

**January 3, 2011**

The Cassia County Board of Commissioners met this day with Chairman Dennis Crane, Paul Christensen and Clay D. Handy, Board Members; Alfred E. Barrus, Prosecuting Attorney; Joseph W. Larsen, Clerk of the Board, and Kerry D. McMurray, County Administrator, present.

### **PREVIOUS WEEK'S MINUTES**

The Commissioner Minutes for December 20, 2010, were discussed. A motion was made and seconded to approve. Roll call vote was unanimous with Commissioner Handy, Commissioner Christensen and Chairman Crane all voting yea.

### **CORRESPONDENCE**

The Board reviewed the following:

1. Invitation to Inauguration for Governor Otter
2. Thank you from Clerk's office, Tammi Pollard, and Sara Haynes for the holiday gift
3. Holiday greetings from the South Central Community Action Partnership

### **CALENDAR**

1. January 4, 2011 – Juvenile Justice Meeting in Rupert
2. January 5, 2011 – 1:00 p.m. Catastrophic Health Care (CAT) Board Meeting
3. January 7, 2011 – 4:00 to 6:00 p.m. Retirement celebration for Duane Smith
4. January 7 & 8, 2011 - Inauguration for Governor Otter

### **HOMELAND SECURITY GRANT**

Sheriff Kidd presented an application for a grant under the 2010 Homeland Security Grant Program through the Idaho Bureau of Homeland Security. A motion was made and seconded to approve and sign that grant application. Roll call vote was unanimous with Commissioner Handy, Commissioner Christensen and Chairman Crane all voting yea.

### **POTENTIAL LEGISLATIVE ISSUES**

Idaho State Legislators, Sen. Denton Darrington, Rep. Fred Wood, and Rep. Scott Bedke were in attendance with the discussion led by Rep. Bedke. Discussion took place about the potential difficulties of reforming eminent domain laws through legislation. He recommended that the Cassia Gateway Transmission Task Force first determine what they want to accomplish. Doug Balfour, attorney representing Power County discussed the historical nature of eminent domain and how proposed legislation should be addressed. Commissioner Christensen indicated that commercial entities should be held to a higher standard as opposed to the term "public use" as defined in the statute. Sen. Darrington asked Mr. Balfour if what the Task Force wanted to do was to adopt a model similar to the State of Montana. Task Force member, Doug Pickett discussed the impact on those in the corridor who have eminent domain exercised against them. All legislators indicated the need to have as many in support of this proposed legislation every step of the way. Rep. Wood discussed legislation being brought forward from Idaho Fish & Game to stop hunting with ATV's.

## COUNTY EXPENDITURES

The Board reviewed the County's Payables Approval Report dated December 31, 2010. A motion was made and seconded to approve the report and the roll call vote was unanimous with Commissioner Handy, Commissioner Christensen and Chairman Crane all voting yea.

AMBULANCE SERVICE	110	\$13,258.34
REVALUATION FUND	114	\$341.00
911 COMMUNICATIONS FUND	115	\$1,757.39
COUNTY ELECTION FUND	116	\$34.16
ASSESSOR TRUST FUND	123	\$574.40
JAIL TRUST FUND	129	\$95.00
JUSTICE FUND	130	\$46,622.14
PHYSICAL FACILITIES FUND	144	\$211.82
ADULT MISDEMEANOR PROBATION	149	\$4,387.32
BOX ELDER CO. BOOKMOBILE TRUST	151	\$500.00
	<b>TOTAL</b>	<b>\$90,456.97</b>

### ADDENDUM TO AGENDA – APPLICATION FOR WIDOW'S BENEFIT TRUST

A motion for an addendum to the agenda to consider an Application for Widow's Benefit Trust was made by Commissioner Handy, seconded by Commissioner Christensen, followed by a unanimous yea vote. Deputy Treasurer, Patty Justesen presented that application on behalf of Eva Meline in the amount of \$543.50, which was approved and signed by Commissioner Crane.

### SWEARING IN OF OFFICERS NEXT WEEK

The procedure was discussed for the swearing in of newly-elected Cassia County officials. That will take place at 9:00 a.m. Monday, January 10, 2011 in the District Courtroom.

### CHANGE OF STATUS

Deputy Treasurer and Treasurer-elect, Patty Justesen presented a Request for Change of Status for promotion of Lisa Heisel from Deputy Treasurer to the position of Chief Deputy Treasurer. Prosecuting Attorney Al Barrus presented a Request for Change of Status for Michelle Satterwhite from Secretary to Lead Secretary. A Request for Change of Status was presented from the Mini-Cassia Justice Center for Jason Loveless from Detention Officer to Senior Officer based on physical fitness. Temporary Employee Personnel Action Forms were presented by Deputy Treasurer Patty Justesen for Sharon Smith and Renae Moncur for part-time employment. A motion to approve the aforementioned was made by Commissioner Christensen and seconded by Commissioner Handy. Commissioners Crane, Handy, and Christensen voted yea.

### EXECUTIVE SESSION

At 9:34 a.m. it was proposed by Commissioner Christensen and seconded by Commissioner Handy that the Board convene in Executive Session under Idaho Code Section 67-2345(1)(b) with Commissioner Crane voting yea, Commissioner Christensen voting yea, and Commissioner Handy voting yea. The purpose and general tenor of the meeting was to discuss employee

matters. Following the discussion, the Board returned to regular session at 10:10 a.m.

### **EXECUTIVE SESSION**

At 10:40 a.m. it was proposed by Commissioner Handy and seconded by Commissioner Christensen that the Board convene in Executive Session under Idaho Code Section 67-2345(1)(d) with Commissioner Christensen voting yea, Commissioner Crane voting yea, and Commissioner Handy voting yea. The purpose and general tenor of the meeting was to discuss medical indigent matters. Welfare Director Susan Keck presented and the Board approved the following: Case #2010-153, #2010-151, and #2010-156, Certificate of Denial; Case #2010-165, Certificate of Approval; Case #2010-147, #2010-053, and #2010-053, Certificate of Approval for Additional Treatment; Case #2010-170, #2010-172, #2010-171, and #2010-169, Notice of Lien and Application for Medically Indigent Benefits; and Case #2010-167 and #2010-099, Release of Medically Indigent Lien. Following the discussion, the Board returned to regular session at 11:10 a.m.

### **OTHER BUSINESS ITEMS**

1. County employee holiday gift coupons were discussed. Deadline for redemption is January 31, 2011.
2. Concerns about the large number of requests of the Jury Commissioner for Order to Show Cause Juror Summons were voiced by Sheriff Randy Kidd. Clerk Larsen explained that work is continuing to improve the jury selection process but citizen's failure to respond as required and two potential murder trials requiring a larger pool requested by the judge may account for some of the problem. The Board asked Clerk Larsen to look into it further and report back.
3. With Commissioner-elect Kunau being sworn in on January 10, 2011, new assignments will be made for each Board member including the handling of duties for Emergency Food & Shelter and Solid Waste District.
4. 18 CSI Residency applications were presented to the Board for consideration. Commissioner Handy moved to approve those applications, seconded by Commissioner Christensen, followed by a unanimous yea vote.
5. The Board reviewed an application for appointment of Dennis Dexter to the Board of Community Guardians. Commissioner Handy moved to accept that application, seconded by Commissioner Christensen, followed by a unanimous yea vote.
6. The Board discussed the new proposed Solid Waste Disposal Agreement. Commissioner Christensen will be taking over those responsibilities. It will require a formal appointment initiated by the Board. Their meetings are held monthly on the fourth Wednesday. Every other month is a conference call at 8:00 a.m. This year will begin with a meeting at 10:00 a.m. Wednesday, January 26, 2011. Attorney Steven Tuft is drafting this agreement and a copy can be obtained from him. The Board discussed the 8 counties that are part of this agreement and other counties who are using the landfill. Clerk Larsen referred to a suggestion Clerks of the counties involved had regarding date changes as enumerated in an email from Minidoka Clerk Smith.
7. Prosecuting Attorney Barrus reviewed the Mini-Cassia Domestic Violence Court proposed agreement and indicated there is a funding question. The Board wants to reschedule review of the agreement when the judge would be available to address it with the Board.

8. Chairman Crane indicated that there is still a road chip issue on the Highway 77 Connor Creek to Almo spur. Commissioner Handy said that compensation to the county from the State still needs to be negotiated in addition to salt and sand. Administrator McMurray discussed county responsibilities as compared to that of the State. Prosecuting Attorney Barrus suggested proposing the State's transfer of appropriate used equipment to Cassia County as a possibility. The Board will discuss this further with Sam Adams.
9. The Board reviewed contracts for Land Title & Escrow and Alliance Title & Escrow regarding the cost of access to county records. Commissioner Handy made a motion to accept and sign those contracts, seconded by Commissioner Christensen, followed by a unanimous yea vote.
10. The Board reviewed Ordinance 2011-01-01 Adopting 2009 Edition of Building Codes. It includes the omission of the portion that requires fire sprinkler systems in homes. Commissioner Christensen asked if there were any other significant changes and Administrator McMurray indicated there wasn't. Commissioner Christensen made a motion to accept and sign that ordinance, seconded by Commissioner Handy, followed by a unanimous yea vote.
11. The Board discussed the BLM proposal of "Wild Lands." Commissioner Christensen suggested that Administrator McMurray prepare a proposal letter to be approved by the Board.

#### **LUNCH**

At 12:20 p.m. the Board departed for lunch at Angela's, where a phone conversation between Devin Rigby, District 4 Engineer of the Idaho Transportation Department and Chairman Crane took place. The Board discussed the planned road chip seal, signage, and guard rail placement on the Highway 77 Connor Creek to Almo spur by the Idaho Highway District. Further discussion ensued with Road & Bridge Supervisor Sam Adams.

#### **RECESS**

Meeting was recessed until 9:00 a.m. Monday, January 10, 2011.

#### **OTHERS IN ATTENDANCE AT TODAY'S MEETING**

Stacey Hughey, The Weekly News Journal; Renee Wells, The Voice; Patty Justesen, Treasurer-elect; Robert Kunau, Commissioner-elect; Rep. Scott Bedke; Rep. Fred Wood; Sen. Denton Darrington; Von Gibby, Douglas Pickett, and Kent Searle, Cassia County Task Force; Ron Funk and Larry Bethke, Power County Task Force; Vicki Meadows and Delane Anderson, Power County Commissioners; and Doug Balfour, Attorney for Power County Task Force.

#### **ATTEST:**

/s/ \_\_\_\_\_  
Joseph W. Larsen, Clerk

#### **APPROVED:**

/s/ \_\_\_\_\_  
Dennis Crane, Chairman