



Cassia County Board of Commissioners

Commissioner Chambers

1459 Overland Ave.

Burley, ID 83318

www.cassiacyounty.org

Board Chairman:

Dennis Crane

Phone: (208) 878-7302

Fax: (208) 878-9109

Board Members:

Paul Christensen (District #1) ~ pchristensen@cassiacyounty.org

Bob Kunau (District #2) ~ bob.kunau@cassiacyounty.org

Dennis Crane (District #3) ~ dcrane@cassiacyounty.org

Tuesday, September 4, 2012

The Board of Cassia County Commissioners met in a special session on Tuesday, September 4, 2012, at 9:00 a.m. in the Commissioner Chambers of the Cassia County Courthouse.

THOSE PRESENT:	County Commissioners:	Dennis Crane, Chairman Paul Christensen Bob Kunau
	Clerk of the Board:	Joseph W. Larsen
	Prosecuting Attorney:	Al Barrus
	County Administrator:	Kerry D. McMurray Linda Wright, 5 th Judicial District TCA Mike McDaniels, Adult Probation Officer George Warrell, CCSO Jay Heward, CCSO
	Media:	Jay Lenkersdorfer, News Journal

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY EXPENDITURES, COUNTY ROAD AND BRIDGE, BUILDING MATTERS, CANVASS OF ELECTION FROM THE AMERICAN FALLS SCHOOL DISTRICT SUPPLEMENTAL LEVY, CONSIDER DRAFT OF LAW ENFORCEMENT CONTRACT FY2013, DELIBERATIONS ON REQUEST FOR RELIEF ON FIRM WORK SCHEDULES, RE-SIGN MCCJC INDEPENDENT MEDICAL SERVICES CONTRACT
 - a) 9:36 AM CALENDAR
 - i) Juvenile justice Meeting was held earlier this morning. Judge Mick Hodges was introduced as the replacement for the retiring Judge Larry Duff. They will continue to meet in Rupert and Judge Hodges indicated that things will continue the same as has been with Judge Duff at this point. Judge Duff will continue working until the second week of October.
 - ii) A meeting will be held at 5:00 p.m. Wednesday, September 5, 2012, for affected private property owners involved with a BLM fire prevention proposal. Timely application for available funds that otherwise would need to be returned precipitated the meeting. Needed work would begin next spring at the earliest by the BLM. If private property owners have

CASSIA COUNTY COMMISSION

SPECIAL SESSION

Tuesday, September 4, 2012

1 | Page

trees they desire not to be removed, BLM won't remove them. It includes a pretty intensive treatment of the high risk area involved for fire prevention.

- iii) County picnic assignments discussed
 - (1) Plans are for 150 people
 - (2) Commissioners will provide the meat for the barbecue
 - (3) Larsen will provide canned beverages and water
- iv) Sympathy cards were signed by the Board to County employees Tammi Pollard for the death of her father, Cory Parish for the death of his father-in-law, and Gale Garrett for the death of his brother.
- v) Chairman Crane asked that a sympathy card be sent to the widow of Joe Tugaw for his death in a tragic airplane accident yesterday.
- b) 9:05 AM CORRESPONDENCE
 - i) Letter from Sidney Erickson regarding the poor condition of the Little Cove Road near Almo.
- c) 9:09 AM CANVASS OF ELECTION FROM THE AMERICAN FALLS SCHOOL DISTRICT
 SUPPLEMENTAL LEVY
 - i) Deputy Elections Clerk Theresa Forthun reported on the taxing district election that was conducted on August 28, 2012, for the Power County School District Supplemental Levy. It included some Cassia County residents who reside in the Heglar-Yale mail-in precinct.
 - ii) There were 24 registered voters and five who returned mail-in ballots with no absentee voters.
 - iii) The Cassia County results included two (2) in favor and three (3) against the supplemental levy. The overall result was that the supplemental levy passed.

9:10 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE CANVASS OF THE VOTE FOR THE AUGUST 28, 2012, POWER COUNTY SCHOOL DISTRICT SUPPLEMENT LEVY ELECTION. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- iv) The Board asked Forthun and Larsen about the costs associated with conducting the election that only included five voters. They reported costs of ballot printing, postage, newspaper publications, and personnel which included overtime in counting votes.
- d) 9:32 AM CONSIDER DRAFT OF LAW ENFORCEMENT CONTRACT FY2013
 - i) Barrus reported on the review and changes on the proposed Law Enforcement Agreement with the City of Burley for FY2013.
 - (1) \$54,000 was added to the FY2013 contract over the amount of the FY2012 contract.
 - (2) March 18, 2013, was set as a deadline to discuss contract renewal to accommodate the budget process and statutory deadlines.
 - (3) Undersheriff George Warrell and Republican Sheriff Candidate Jay Heward were asked by Commissioner Christensen if they were in agreement with the proposed contract and they indicated that they were.

9:34 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ACCEPT AND SIGN THE PROPOSED LAW ENFORCEMENT AGREEMENT WITH THE CITY OF BURLEY. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- (4) McMurray indicated that the contract was based on the previous approval of the increased amount of \$54,000 by the City of Burley.

e) 9:47 AM COUNTY EXPENDITURES

CURRENT EXPENSES	104	\$6,682.25
DISTRICT COURT FUND	106	\$154.44
COUNTY ROADS & BRIDGES FUND	107	\$247.67
911 COMMUNICATIONS FUND	115	\$9,902.27
COUNTY ELECTION FUND	116	\$367.48
JUSTICE FUND	130	\$6,885.38
MINI-CASSIA DRUG ENFORCEMENT TASK FORCE	136	\$5,743.62
PHYSICAL FACILITIES FUND	144	\$928.34
ADULT MISDEMEANOR PROBATION	149	\$1,298.01
	TOTAL	\$32,209.46

9:47 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY EXPENDITURES DATED AUGUST 31, 2012. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- a) 9:48 AM DELIBERATIONS ON REQUEST FOR RELIEF ON FIRM WORK SCHEDULES
- i) MCCJC Director Darwin Johnson expressed a desire to re-consider the Boards decision regarding adhering to a rigid work schedule.
 - ii) Commissioner Christensen felt where the jail's work is 24 hours a day and seven days a week that the Board should consider allowing them to exercise some latitude to accommodate an employee's desire to further their education and attend school.
 - iii) Commissioner Kunau indicated that where other departments work is to serve the public during a given time period that there should be no reason to come in early.
 - iv) Larsen suggested that the Board consider consistency since some employees see latitude in one area and it is not permitted in another, it does cause issues between employees.
 - v) Commissioner Kunau read minutes from when the issue was originally presented to the Board on August 6, 2012.
 - vi) Commissioner Kunau indicated that he could support it so long as it didn't include being paid beyond their regular schedule or overtime pay.
 - vii) Chairman Crane indicated that it could cause a scheduling nightmare.
 - viii) McMurray read memo that was sent out to department head.
 - ix) Chairman Crane said he would hate to make a policy and then just keep changing it.
 - x) Commissioner Christensen felt that in the 24/7 schedules such as at the jail that they should be allowed to work with their department head and change to a graveyard shift to accommodate their desire to attend school or take classes. Otherwise, it was determined by the Board to maintain the policy as originally distributed, that departments adhere to regular work schedules in conducting the public's business.
- b) 9:52 AM CSI RESIDENCY APPLICATIONS
- i) The Board reviewed 30 CSI Residency applications. Chairman Crane had a question regarding one person who had two applications. Larsen suggested that it might be for two different time periods or semesters. Chairman Crane confirmed that was the case.

- ii) Commissioner Kunau expressed concern that some students who receive County funding should have to be held to account for whether or not they complete their school requirements successfully during the term or semester they receive assistance and research should be done in that regard. Larsen indicated that information is only available to the junior colleges and would require legislation to change the statute. He further indicated that before they get funding the second time the student should be required to show their transcript to show they successfully completed the schooling the first time.

9:52 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE 30 CSI RESIDENCY APPLICATIONS. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- c) 10:08 AM CHANGE OF STATUS
 - i) Mini-Cassia Criminal Justice Center
 - (1) Loretta Faye Williams – new temporary hire as Detention Deputy
 - ii) Recorder/Elections/Jury Assistant
 - (1) Kathryn Ballesteros – continuation as part time temporary employee

10:10 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE SAID CHANGE OF STATUS REQUESTS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- d) 10:10 AM APPROVAL OF MINUTES

10:10 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM AUGUST 31, 2012. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- a) 10:10 AM RE-SIGN MCCJC INDEPENDENT MEDICAL SERVICES CONTRACT
 - i) The contract was addressed and approved by the Board previously and needs to be signed by the Board and subsequently by Minidoka County

10:11 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO SIGN THE MCCJC INDEPENDENT MEDICAL SERVICES CONTRACT AS APPROVED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- b) 10:11 AM COUNTY ROAD AND BRIDGE
 - i) The Board tour of the EY Road Bridge progress in the Almo area will take place following regular business of the Board.
 - c) 10:11 AM BUILDING MATTERS
 - i) No Items
- 2) 9:12 AM DISCUSSION REGARDING APPROVAL OF DUI COURT FOR MISDEMEANORS
- a) Linda Wright, the 5th Judicial District Trial Court Administrator and Adult Misdemeanor Probation Officer Mike McDaniels discussed the proposal of establishing a DUI problem solving court for misdemeanors. McDaniels had done research of what other Counties are doing. Commissioner Christensen asked about capacity. McDaniels reported that 15 to 25 would be enrolled and the program duration would be from 15 to 24 months. It would take nearly the entirety of their probation period to complete. Crane asked what the involvement of the County would be. They would need access to computers and a person who is already employed by the County. That person would need to monitor the client. Staff time is needed along with training which may be

able to be funded by training grants. They will be limited to just deal with DUI's. Participation with the judge and work that needs to be done would include about 40 to 45 hours. The work would be done by the probation officer that is already a full time employee according to Linda Wright. Christensen inquired about the time that it would take employees away from their regular probation work.

- b) Barrus expressed concern about who would need to be in attendance. Wright reported that Prosecutors and Public Defenders are in attendance and have enjoyed being there. Barrus expressed that enjoyment was less his concern than the issue of time requirement for both the Prosecutor and the Public Defender. Barrus also discussed how the Domestic Violence problem solving court demands a lot of time of the Prosecutor and Public Defender.
- c) Christensen acknowledged the value of a DUI Court but asked about documentation of the value received along with recidivism reports. Wright indicated that the process would be to firstly provide a letter of intent to the Supreme Court as a first approach for them to allow a DUI Court in Cassia County if the County has interest. Barrus said that the Prosecutor's Office should be involved with notifications of what would happen in a proposed DUI Court but being at all the meetings would be an issue. This would only include misdemeanor DUI's right now.
- d) Christensen asked for a two year trial and to ask for reports and data after that period of time. It could be another tool to help.
- e) Barrus asked about statistics regarding second offenses and aggravated offenses. Aggravated offences of those who were charged included 258 individuals in a two year period according to ISTARs.
- f) Wright reported that Twin Falls County charged probationers \$100 to cover personnel costs. Commissioner Kunau indicated that he wouldn't prefer to charge offenders more money unless there is some defined benefit to the offender.

9:31 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO PROVIDE A LETTER OF INTENT TO THE SUPREME COURT FOR ESTABLISHMENT OF A DUI PROBLEM SOLVING COURT. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10:12 AM EXECUTIVE SESSION

MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(A). A ROLL CALL VOTE WAS UNANIMOUS WITH CHAIRMAN CRANE, COMMISSIONER CHRISTENSEN, AND COMMISSIONER KUNAU VOTING IN THE AFFIRMATIVE. THE BOARD RETURNED TO REGULAR SESSION AT 10:42 AM.

3) 10:15 AM COUNTY ROAD AND BRIDGE TOUR – ALMO AREA

- a) The Board traveled to the EY Road area in Almo to review the progress of the County Road and Bridge's work with replacement of the bridge with culverts. The culverts were in place and the crew was placing fill between the culverts. Road and Bridge Supervisor Sam Adams indicated that they were expecting to be completed by the end of the week with the placement of the culverts.
- b) The Board travelled through the Malta area to review some roads in that area on their travel back to Burley.

4) 12:25 PM WORKING LUNCH AT CATTLE COUNTRY IN MALTA

5) 3:20 PM ADJOURNMENT

***CASSIA COUNTY COMMISSION
SPECIAL SESSION***

Tuesday, September 4, 2012

5 | Page

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board