



# Cassia County Board of Commissioners

*Commissioner Chambers*

*1459 Overland Ave.*

*Burley, ID 83318*

[www.cassiacounty.org](http://www.cassiacounty.org)

**Board Chairman:**

*Dennis Crane*

**Phone:** (208) 878-7302

**Fax:** (208) 878-9109

**Board Members:**

*Paul Christensen (District #1) ~ [pchristensen@cassiacounty.org](mailto:pchristensen@cassiacounty.org)*

*Bob Kunau (District #2) ~ [bob.kunau@cassiacounty.org](mailto:bob.kunau@cassiacounty.org)*

*Dennis Crane (District #3) ~ [dcrane@cassiacounty.org](mailto:dcrane@cassiacounty.org)*

Thursday, August 15, 2013

The Board of Cassia County Commissioners met in a special session on Thursday, August 15, 2013, at 2:00 p.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
	Others:	Terry Greenman, City of Burley mayor

- 1) 2:00 PM CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND PRAYER
- 2) 2:00 PM LAW ENFORCEMENT BUDGET
  - a) Commissioner Crane inquired if McMurray had received communications from the City of Burley. McMurray reported that pursuant to the Board's request, City Administrator Mark Mitton provided on Tuesday, August 13, 2013, minutes from a City of Burley Emergency Council Meeting held on Monday March 12, 2013.
  - b) Commissioner Kunau read the communication from City of Burley which included the reduction of one patrol officer, a contractual amount of \$1,450,000 on a two year contract, and future contracts would need to be completed by the 15<sup>th</sup> of July each year to facilitate budgeting for both entities.
  - c) Hawkins addressed the Council to try and find common ground.
  - d) The letter reviewed Council member Steve McGill's statement of payment directly to Sheriff Heward and motion that was yes votes from all Council members with the exception of Council member Randy Hawkins. The motion carried.
  - e) Chairman Crane referred to the Board's lengthy discussion in their regular meeting on Monday, August 12, 2013, and a letter provided to the City of Burley that according to the minutes was received but not made public. Mayor Greenman confirmed that was the case. Chairman Crane stressed that letters to the Board are presented and entered into the record at Board meetings. Greenman indicated that each council member was provided a copy of the letter.

**CASSIA COUNTY COMMISSION**

**REGULAR SESSION**

**Thursday, August 15, 2013**

**1 | Page**

- f) Christensen asked Council member Hawkins if the \$1,450,000 included a reduction in services. Hawkins said he wasn't sure if it did or not but that would put the responsibility on Sheriff Heward as to what that would do for him.
- g) Commissioner Christensen indicated that under Idaho Statute there would be a problem with the Sheriff receiving funds on behalf of the County. Barrus concurred that it would put both the County and the City in peril. There would need to be some kind of understanding of the parties so the City of Burley knows what to expect in services and costs. The County likewise would need to know what to provide and what funding they will receive for those services.
- h) Commissioner Christensen wanted to clarify that the final decision of the Council was to pay Sheriff Heward on a monthly basis. Council member Hawkins felt a similar motion to what he made last Council meeting might be better received at their next meeting.
- i) Chairman Crane indicated that the Board doesn't have much choice in making a proposal based on Council member McGill's motion that passed. There was no proposal or counterproposal given back to the Commissioners to work with.
- j) Barrus indicated that legally he doesn't know how we could go forward. Also, going forward on a month to month basis is impractical. Sheriff's deputies are left in limbo as is. Something needs to be in the City and the County's hands by way of a contract or agreement. They went without an agreement before by the consent of both parties previously. That is not the case now.
- k) Barrus also reiterated that the Sheriff cannot accept the money. It is a function of the Auditor and a decision of the Commissioners in receiving funds.
- l) Sheriff Heward stressed that he does not want his deputies to work month to month. It's not fair to them. The CCSO desires a contract as well. With the City of Burley's proposal of \$1,450,000 with one less patrol officer, it would meet the financial requirement of the County. That would include placement of an entry level officer in court security with an arrangement Heward made with Larsen by moving the bailiff salaries to the Court's budget.
- m) Commissioner Christensen expressed concern that in a two-year contract, there would need to be some sort of an escalator clause built in to protect the County with increased costs.
- n) Sheriff Heward talked about the crossing when needed with City and County patrolmen when work dictates to do such. Elimination of designating patrol cars with "City Division" was discussed.
- o) Greenman indicated that the Council was very adamant about City Division imprinted on patrol cars. He said to not worry about where the patrol car goes, just leave City Division marked on the car to avoid raising new issues. If we get into too much detail, it will fall apart and he does not want that to happen. He expressed that it is the best thing for the City of Burley for the agreement to stay in place.
- p) Chairman Crane indicated that it is the best thing for the entire County, but it has to be such that it can be paid for.
- q) The mayor questioned the numbers as being correct as they were considerably higher than the past two years. Both entities receive benefits that neither fully realize, but if the County asks for the \$1.9 million identified in costs, they can do it cheaper alone.
- r) Chairman Crane stressed that Greenman needed to understand that those enumerated costs are correct. Last year's enumerated costs were not correct. They were underestimated. The numbers provided by Auditor Larsen are correct. They are the facts and nobody has changed them.
- s) Commissioner Christensen said in the past, they have relied on the Sheriff for the numbers and the Auditor's office has the actual accurate numbers associated with actual personnel and

- operating costs. This is the first time actually costs have been verified. He felt Larsen would be willing to sit down with any of the Council to go over those numbers item by item.
- t) Larsen express appreciation for the Board's comments. He reiterated that it is his responsibility to audit the funds of the Sheriff's office. That's what was done officer by officer what they are actually paid. Salaries, FICA, Medicare, Insurance costs, and PERSI Retirement are all paid by the Auditor's office. The only costs not paid by the Auditor's office is Workman's Compensation which is handled by the Administrator who is in charge of risk management. Three sets of numbers have been provided:
    - i) Officers included in the contractual agreement and their attendant cost to the County for that employment on behalf of the City of Burley
    - ii) Proportional costs of operation included in the contractual agreement
    - iii) Workman's Compensation by assigned rate per employee as required by the State of Idaho Department of Insurance for each employee that is a part of the contractual agreement
  - u) Larsen indicated that he would be happy to have those numbers verified by a City of Burley provided independent auditor. He reiterated that it does cost Cassia County just under \$1.9 million to provide what is required by the contractual agreement.
  - v) It was pointed out that the Board asked for those numbers to identify actual costs. It wasn't to set an actual expectation of the City of Burley to pay. There are benefits as pointed out by Sheriff Heward that both sides receive through this agreement. Larsen said it shows good faith on the Board's behalf to only ask for the amount they did despite the enumerated costs.
  - w) Barrus stressed the benefits to both the City and the County that often get overlooked.
  - x) Larsen thanked Council member Hawkins for recognizing the importance of coming to conclusions early in the budget process about the agreement. The County puts the Justice requirements first on the priority list for allocation of available funds in April and May and budgets other departments after that. It is not unreasonable for the City of Burley to do the same on behalf of law enforcement. That is the only way the Auditor's office can meet statutory deadlines each year.
  - y) Hawkins indicated that he would be reluctant to say the full Council would accept an escalator clause even though Larsen expressed concern that if there were any unforeseen increases in cost, such as the huge increase in fuel expenses that happened a few years ago that the County had to bear under the contract, that could be financially disastrous to the County. That would be especially true if we reach the levy limit to taxpayers which would put us close to the edge of the financial cliff.
  - z) The Board concurred that if the City of Burley came back with a proposal of \$1,450,000 accompanied by the reduction of one patrol officer, it could serve as a basis for the Board's acceptance. Chairman Crane stressed that the Sheriff's office has to work within the budget the Board approves.
- 3) 2:00 PM CASSIA COUNTY JUDICIAL CENTER WALK THROUGH
- a) The Board went to the facility to conduct a walkthrough. The Board found that work continued on finishing construction and cleanup had not begun. The Board opted to move the walkthrough to Monday, August 19, 2013.
- 4) 2:25 PM ADJOURNMENT

APPROVED:

/s/ \_\_\_\_\_

Dennis Crane, Chairman of the Board

ATTEST:

/s/ \_\_\_\_\_

Joseph W. Larsen, Clerk of the Board