



# Cassia County Board of Commissioners

*Commissioner Chambers*

*1459 Overland Ave.*

*Burley, ID 83318*

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

**Board Chairman:**

*Dennis Crane*

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**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)*

Monday, August 19, 2013

The Board of Cassia County Commissioners met in regular session on Monday, August 19, 2013, at 9:00 a.m. in the Commissioner Chambers of the Cassia County Courthouse.

|                |                       |  |
|----------------|-----------------------|--|
| THOSE PRESENT: | County Commissioners: | Dennis Crane, Chairman<br>Paul Christensen<br>Bob Kunau  |
|                | Clerk of the Board:   | Joseph W. Larsen   |
|                | Prosecuting Attorney: | Al Barrus  |
|                | County Administrator: | Kerry D. McMurray  |
|                | Others:               | Ruthe Hobbs, concerned citizen<br>Jason Naess, attorney<br>Scott Lindstrom, attorney<br>Lance Loveland, attorney<br>George Warrell, Undersheriff<br>Jay Heward, Sheriff<br>Jay Lenkersdorfer, The News Journal<br>Reed Cotton, attorney<br>Michael Tribe, attorney |

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY PAYABLES, COUNTY ROAD AND BRIDGE, BUILDING AND GROUNDS MATTERS, GATEWAY MATTERS, UPDATE FY2014 BUDGET MATTERS
  - a) 9:05 AM CALENDAR
    - i) Final newspaper notice of the FY2014 budget will be published on Thursday, August 22, 2013.
    - ii) FY2014 budget hearing will be held at Board meeting on Monday, August 26, 2013.
    - iii) IAC Clerks and Recorders Annual Meeting from August 20-22, 2013, in Pocatello
    - iv) Last day for absentee ballot requests to be received by the Clerk's Office is August 21, 2013, at 5:00 p.m. for the August 27, 2013, election.
    - v) Final newspaper notice of the August 27, 2013, election to be published by August 22, 2013.
    - vi) Notice of Candidacy for the November election must be published by cities and counties during the week August 22-30, 2013.

**CASSIA COUNTY COMMISSION**

**REGULAR SESSION**

**Monday, August 19, 2013**

- vii) Last date of absentee or early voting for the August 27, 2013, election is Friday, August 23, 2013, up to 5:00 p.m.
- viii) First day of filing for candidacy in the city elections is Monday, August 26, 2013, through the city offices.
- ix) Election Day from 8:00 a.m. to 8:00 p.m. Tuesday, August 27, 2013, for the Plant Facilities Reserve Fund Levy election for the Cassia School District.
- x) Pipeline Meeting in American Falls August 27-28, 2013
- xi) Historical Society will host a fundraiser dinner the evening of September 5, 2013. Commissioner Kunau discussed with them the need for advertising and getting signs up.
- xii) IAC Annual Conference in Boise will be September 23-27, 2013, in Boise
- b) 9:05 AM           CORRESPONDENCE
  - i) Twin Falls County Republican Lincoln Day's Banquet will be on March 1, 2014.
  - ii) Letter from the Veterans Services regarding their annual training which our contracted VSO attended.
- c) 9:07 AM           PERSONNEL
  - i) Only a timesheet for Cory Parish from the Fair office was reviewed by the Board.
- d) 10:56 AM         APPROVAL OF MINUTES

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM AUGUST 12, 2013. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- e) 9:05 AM           CSI RESIDENCY APPLICATIONS
  - i) The Board reviewed 27 CSI Residency applications for 2013-2014.

**9:05 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE 27 CSI RESIDENCY APPLICATIONS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- f) 11:15 AM         COUNTY PAYABLES

|                             |              |                    |
|-----------------------------|--------------|--------------------|
| CURRENT EXPENSES            | 104          | \$14,622.67        |
| INDIGENT FUND               | 105          | \$12,512.01        |
| DISTRICT COURT FUND         | 106          | \$2,736.09         |
| COUNTY ROADS & BRIDGES FUND | 107          | \$321.63           |
| AMBULANCE SERVICE           | 110          | \$15,050.83        |
| REVALUATION FUND            | 114          | \$384.00           |
| COUNTY ELECTION FUND        | 116          | \$179.55           |
| ASSESSOR TRUST FUND         | 123          | \$90.69            |
| JUSTICE FUND                | 130          | \$4,412.69         |
| PHYSICAL FACILITIES FUND    | 144          | \$1,098.05         |
| ADULT MISDEMEANOR PROBATION | 149          | \$4,694.69         |
|                             | <b>TOTAL</b> | <b>\$56,102.90</b> |

**11:15 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY PAYABLES DATED AUGUST 23, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

***CASSIA COUNTY COMMISSION  
REGULAR SESSION***

***Monday, August 19, 2013***

- g) 9:04 AM COUNTY ROAD AND BRIDGE
  - i) Chairman Crane reported that things are going well as reported by supervisor Sam Adams.
- h) 2:30 PM GATEWAY MATTERS
  - i) McMurray received a call from Brent Stoker from Gateway West. He expressed concern about coordination with the Attorney General's office on Gateway issues. The Governor's office is working on an appeal of the BLM conclusions.
- i) 9:05 AM UPDATE FY2014 BUDGET MATTERS
  - i) The County and Road and Bridge Budget Hearings will be held next Monday, August 26, 2013.
- 2) 9:12 AM GUARDIAN AD LITEM ATTORNEY INTERVIEW
  - a) Barrus indicated that there were two responses from attorney firms to provide Guardian Ad Litem services.
    - i) Parsons, Smith, Stone, Loveland, and Shirley was represented by Lance Loveland, Jason Naess, and Scott Lindstrom
    - ii) Robinson and Tribe was represented by Michael Tribe and W. Reed Cotton
  - b) Loveland expressed their firm's desire to provide Guardian Ad Litem services and introduced his associates, Jason Naess and Scott Lindstrom. They would be the primary attorneys in their firm, if they were awarded the contract, who would provide Guardian Ad Litem services.
  - c) Loveland visited with Guardian Ad Litem attorney Steve Tuft and went over the CASA program and the process and felt their firm could represent the County well. He said they understand financial constraints the County is under.
  - d) All three attorneys live in Cassia County and indicated that there were several attorneys in their firm that could step up to represent the CASA program in the court.
  - e) Their firm would only represent Cassia County Guardian Ad Litem.
  - f) McMurray briefed those present regarding the contract which includes a \$500 per month payment for one year. The attorneys must have passed the bar in Idaho and have professional liability insurance.
- 3) 9:30 AM COUNTY ROAD AND BRIDGE & COUNTY SHERIFF BUDGETING MATTERS
  - a) County Road and Bridge Budgeting Matters
    - i) McMurray indicated that Road and Bridge supervisor Sam Adams desired to have about \$30,000 in the FY2014 budget for magnesium chloride. There is \$13,000 that will be carried over from a grant that is no longer available.
    - ii) McMurray indicated that magnesium chloride has an accumulative value. Each year you use it you can cut the use in half. It is not something that is easy to just cut out.
    - iii) Commissioner Christensen expressed concern that we may not be in a position to make that expenditure with County tax funds.
    - iv) The Board concurred that if there were any line items in the budget that Adams could cut to accommodate the expenditure for magnesium chloride it would be preferable.
    - v) Larsen indicated that there were a number of line items that were over the budgeted amount for FY2013 and indicated that it may be difficult, but that they should ask Adams where he might be able to make cuts. Chairman Crane will visit with Adams regarding that.
    - vi) Larsen also indicated that Gary Houde from the State Tax Commission met with the Auditor's Office last week regarding taxation and levy. He commented that it could be beneficial both to the County and to the residents within proximity of the Elba-Almo highway to consider annexation or creation of a new highway district with the funding dilemmas that have occurred. Based on that, it might be appropriate to open dialogue on the matter.

- b) County Sheriff's Office Budgeting Matters
  - i) McMurray discussed the prospects of reroofing the Sheriff's Office building from funds remaining in the CCSO budgets.
  - ii) Larsen indicated that it would be difficult to identify specific amounts from their budget that could be utilized for that expenditure as a number of the line items have already exceeded the amount budgeted.
  - iii) Sheriff Heward indicated that \$88,000 was carried over after FY2012 and he was anticipating about half that this year to carry over. Larsen cautioned that anticipated carry over amounts were considered already as beginning balances with FY2014 and could not be used. Budgeted remaining funds above that amount could be used for the roof project. He further cautioned any expenditures that exceed FY2013 budgeted line items should be curtailed in every department as budgeted PILT revenue in the amount of \$67,000 was lost due to Federal sequestration.
  - iv) McMurray talked to Tom Robinson about the low bid which came in just short of \$40,000 to see if they would hold close with that bid.
  - v) Larsen went over budgeted items that with the CCSO that exceed 100% of the FY2013 budget. He further pointed out that when budgeted expenditures are up and budgeted revenues are down such as with PILT and law enforcement fines and fees, it then becomes an issue with insufficient funds to meet budget expectations. The same is true with Adult Misdemeanor Probation where they budgeted revenues significantly over the actual revenue. Cash balances again become an issue.
  - vi) Larsen pointed out that when contingent expenditure line items are already used for lines that exceed the yearly budget, then you are less equipped to deal with emergency situations like the roof repair. There is also concern about additional needs for retro-fitting the current courthouse, the new Public Defender's Office, and additional costs needed for the new CCJC. It puts into question whether we will be able to accumulate funds for future building projects as we have done in the past where revenue has diminished and spending has not followed the same course.
  - vii) Chairman Crane indicated that the CCSO has committed to curtail spending. Larsen also recommended a moratorium on spending without the approval of the Board for the remainder of FY2013 on line items that exceed budgeted amounts.

**10:01 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO HAVE DEPARTMENT HEADS CURTAIL ALL SPENDING ON LINE ITEMS THAT EXCEED 100% OF BUDGET FOR THE REMAINDER OF FY2013 WITHOUT OBTAINING PRIOR APPROVAL OF THE BOARD. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

viii) Notice will go to all department heads regarding the Board's decision.

- 4) 10:06 AM REQUEST FOR COUNTY TRANSPORTATION ADVISORY COMMITTEE MEETING TO REVIEW PRIORITY LIST
  - a) Steve Freiburger from Cassia County Transportation Advisory Committee called McMurray and suggested a meeting to review and update a priority list.
  - b) The Board recommended 7:00 p.m. Thursday, August 29, 2013.
  - c) Commissioner Christensen asked if there had been discussion of putting a stop light at the intersection of Washington and Highway 30. There have been some complaints from residents on

100 South regarding Pacific Ethanol traffic. Trucks have to wait an inordinate amount of time to cross the highway. Chairman Crane said these items could be placed on the priority list.

d) Jay Lenkersdorfer told Chairman Crane that the City of Burley had sold property at the southeast of that intersection to a company that is going to put in a truck stop and that work is underway.

5) 10:11 AM REVIEW CONFLICT PUBLIC DEFENDER REPORTS FROM JUNE AND JULY 2013 – CLAYNE ZOLLINGER

a) The Board reviewed both months Conflict Public Defender Reports.

6) 10:12 AM REVIEW NOTICE OF FILING IDAHO PUC CASE NO. IPC-E-13-15

a) The Board reviewed Idaho PUC Case No. IPC-E-13-15.

7) 10:23 AM ITD – REVIEW FINAL SETTLEMENT ON DE-ICER TRUCK PROJECT

a) McMurray reviewed with the Board a final accounting of costs for the De-icer Truck Project.

b) After total costs broken down between Federal aid and the local share, there were local deposits and interest in the amount of \$585.87 that was transferred to the City of Rocks Back Country Byway project as they were in need of funds.

8) 10:26 AM INDIGENT MATTERS

**10:27 AM EXECUTIVE SESSION**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING MEDICAL INDIGENT MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(D).**

**COMMISSIONER KUNAU SECONDED THE MOTION. A ROLL CALL VOTE WAS UNANIMOUS WITH CHAIRMAN CRANE, COMMISSIONER CHRISTENSEN, AND COMMISSIONER KUNAU VOTING IN THE AFFIRMATIVE.**

Welfare Director Susan Keck presented the following:

a) Notice of Lien and Application for Medically Indigent Benefits on Case #2013062, #2013063, #2013664, #2013065, and #2013066

b) Order of Dismissal on Case #2013018

c) Release of Medically Indigent Lien on Case #2013013 and #2013018

d) Determination of Decision Held in Suspension on Case #2013052

e) Medical Records/Utilization Management Review on CAT Case #4C-2013052

**10:34 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE MEDICAL INDIGENT ACTIONS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 10:35 AM.**

9) 11:00 AM GUARDIAN AD LITEM INTERVIEW

a) Michael Tribe and W. Reed Cotten from the law firm of Robinson and Tribe in Rupert met with the Board for an interview for the Guardian Ad Litem contract. They introduced and provided a short background on themselves.

b) They are seeking the contract through Minidoka County as well as Cassia County. Continuity in regards to both Counties would be their first priority.

c) Tribe has worked on opposite sides of the issues with Guardian Ad Litem issues and would like to emulate Steve Tuft's style.

d) Following the interview, the Board discussed the interviews in making a decision.

**11:11 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONTRACT WITH THE LAW FIRM OF PARSONS, SMITH, STONE, LOVELEND, AND SHIRLEY TO DO GUARDIAN AD LITEM FOR A YEAR. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

***CASSIA COUNTY COMMISSION***

***REGULAR SESSION***

***Monday, August 19, 2013***

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- 10) 11:15 AM CASSIA COUNTY JUDICIAL CENTER MATTERS AND WALK THROUGH
  - a) The Board conducted a walkthrough of the CCJC and noted concerns of items still not completed as well as items completed that needed to be reviewed for adjustments and/or replacements.
- 11) 12:00 PM WORKING LUNCH AT PERKINS RESTAURANT TO FINALIZE BUDGET HEARING, FURTHER DISCUSSION OF CASSIA COUNTY SHERIFF'S BUDGET AND CONTRACT WITH THE CITY OF BURLEY, AND CONCERNS NOTED WITH THE WALKTHROUGH OF THE CASSIA COUNTY JUDICIAL FACILITY
- 12) 2:20 PM The Board signed notes of thanks to individuals who helped at the Fair.
- 13) 3:09 PM The Board prepared a letter of clarification of the County's position regarding renewal or non-renewal of the Law Enforcement Agreement with the City of Burley.
- 14) 3:20 PM ADJOURNMENT

APPROVED:

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

Dennis Crane, Chairman of the Board

ATTEST:

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

Joseph W. Larsen, Clerk of the Board